

104TH CONGRESS
2D SESSION

S. 1578

To amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27 (legislative day, FEBRUARY 23), 1996

Mr. FRIST (for himself and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Individuals with Dis-
5 abilities Education Act Amendments of 1996”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

TITLE I—GENERAL PROVISIONS

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Sec. 102. Definitions.

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- Sec. 104. Requirements for prescribing regulations.
- Sec. 105. Eligibility for financial assistance.
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- Sec. 107. Repeals.
- Sec. 108. Transition Rule.
- Sec. 109. Effective date.

TITLE II—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

- Sec. 201. Entitlements and allocations.
- Sec. 202. State eligibility.
- Sec. 203. Local educational and State agency eligibility.
- Sec. 204. Evaluations, individualized education programs, and educational placements.
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- Sec. 209. Evaluation and program information.
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- Sec. 212. Applicability of definitions.
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- Sec. 214. Conforming and technical amendments.

TITLE III—SYSTEMS CHANGE

- Sec. 301. Systems change.
- Sec. 302. Reauthorization for fiscal year 1997 of authorities relating to centers and services to meet special needs of individuals with disabilities.
- Sec. 303. Effective date.

TITLE IV—RESEARCH AND PERSONNEL PREPARATION

- Sec. 401. Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated research and personnel preparation.
- Sec. 402. Conforming amendments.
- Sec. 403. Reauthorization for fiscal year 1997 of authorities relating to training personnel for the education of individuals with disabilities.
- Sec. 404. Effective date.

TITLE V—TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION

- Sec. 501. Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated technical assistance, support, and dissemination of information.
- Sec. 502. Conforming amendments.
- Sec. 503. Reauthorizations for fiscal year 1997.
- Sec. 504. Effective date.

TITLE VI—INFANTS AND TODDLERS WITH DISABILITIES

- Sec. 601. Findings and policy.

Sec. 602. Definitions.
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 Sec. 604. Eligibility.
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 Sec. 608. State application and assurances.
 Sec. 609. Uses of funds.
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 Sec. 612. Conforming amendment.
 Sec. 613. Allocation of funds.
 Sec. 614. Federal Interagency Coordinating Council.
 Sec. 615. Study of definition of developmental delay.
 Sec. 616. Authorization of appropriations.
 Sec. 617. Effective date.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of the Individuals with Disabil-
 7 ities Education Act (20 U.S.C. 1400 et seq.).

8 **TITLE I—GENERAL PROVISIONS**

9 **SEC. 101. FINDINGS.**

10 Section 601 (20 U.S.C. 1400) is amended to read as
 11 follows:

12 **“SEC. 601. SHORT TITLE; FINDINGS; POLICY; PURPOSES.**

13 “(a) SHORT TITLE.—This title may be cited as the
 14 ‘Individuals with Disabilities Education Act’.

15 “(b) FINDINGS.—With respect to the provisions of
 16 this Act, Congress finds the following:

17 “(1)(A) That disability is a natural part of the
 18 human experience and in no way diminishes the

1 right of individuals to fully participate in all aspects
2 of American society, including education.

3 “(B) That the right to equal educational oppor-
4 tunities for all children with disabilities is guaran-
5 teed by the equal protection clause of the 14th
6 amendment to the United States Constitution.

7 “(C) That improving educational results for
8 children with disabilities is an essential element in
9 ensuring equality of opportunity in all aspects of so-
10 ciety.

11 “(D) That it is in the national interest that stu-
12 dents with disabilities leave school with the skills
13 necessary to be included and integrated in the eco-
14 nomic and social fabric of society and to live inde-
15 pendently.

16 “(2) That prior to the enactment of the Edu-
17 cation for All Handicapped Children Act of 1975
18 (Public Law 94–142), 1,000,000 children with dis-
19 abilities in the United States were excluded entirely
20 from the public school system, and more than one-
21 half of all children with disabilities in the United
22 States did not receive appropriate educational serv-
23 ices, either because their disabilities were unde-
24 tected, or because of the lack of adequate services
25 within the public school system.

1 “(3) That since the enactment of the Education
2 for All Handicapped Children Act of 1975 (Public
3 Law 19–142), significant progress has been made in
4 addressing problems that existed at the time the law
5 was enacted. Progress has been made in the follow-
6 ing manner:

7 “(A) Every State now ensures a free ap-
8 propriate public education to all children with
9 disabilities within the State between the ages of
10 3 and 18, and most States extend that provi-
11 sion through age 21.

12 “(B) Over 5,000,000 children with disabil-
13 ities are receiving special education and related
14 services.

15 “(C) All States now provide early interven-
16 tion services to infants and toddlers with dis-
17 abilities from birth through age 2 and to fami-
18 lies of such infants and toddlers.

19 “(4) That based on 20 years of experience and
20 research in the education of children with disabil-
21 ities, there is a general recognition of the following:

22 “(A) The provision of quality education
23 and services to children with disabilities must
24 be based on an individualized assessment of
25 each child’s unique needs and abilities.

1 “(B) To the maximum extent appropriate,
2 children with disabilities must be educated with
3 children who are not disabled and children with
4 disabilities should be removed from the regular
5 educational environment only when the nature
6 and severity of the disability is such that edu-
7 cation in regular classes with the use of supple-
8 mentary aids and services cannot be achieved
9 satisfactorily.

10 “(C) Students with disabilities achieve at
11 significantly higher levels when schools have
12 high expectations (and establish high goals) for
13 such students, ensure the access of such stu-
14 dents to the general curriculum (whenever ap-
15 propriate), and provide such students with the
16 necessary services and supports.

17 “(D) That including children with disabil-
18 ities in general State and districtwide assess-
19 ments is an effective accountability mechanism
20 and a critical strategy for improving edu-
21 cational results for such children.

22 “(E) The provisions of this Act should be
23 aligned with general educational reforms with
24 respect to the improvement of education for all

1 children, so that children with disabilities have
2 the opportunity to benefit from such reforms.

3 “(F) Parent participation is a crucial com-
4 ponent in the education of children with disabil-
5 ities, and parents should have meaningful op-
6 portunities, through appropriate training, dis-
7 semination of information and other supports,
8 to participate as partners with teachers and
9 other school staff in assisting their children to
10 achieve to high standards.

11 “(G) School administrators must have the
12 resources and skills needed to ensure that
13 school environments are safe and conducive to
14 learning.

15 “(5)(A) State and local educational agencies
16 must be responsive to the increasing racial, ethnic,
17 and linguistic diversity that prevails in the Nation’s
18 public schools today.

19 “(B)(i) Greater efforts are needed to prevent
20 the intensification of problems connected with inap-
21 propriately identifying and mislabeling children from
22 minority backgrounds as children with disabilities.

23 “(ii) More minority children continue to be
24 served in special education than would be expected

1 from the percentage of such children in the general
2 school population.

3 “(iii) Poor African American students are 2.5
4 times more likely to be identified by their school as
5 mentally retarded than are their white counterparts,
6 and such students are also more likely to be edu-
7 cated in segregated settings.

8 “(iv) A disproportionate number of such stu-
9 dents drop out of school, fail to enroll in postsecond-
10 ary programs, and fail to participate in competitive
11 long-term employment.

12 “(v) Disproportionality in identification may be
13 explained in part by the relationship between poverty
14 and disability, which is well documented. Poor pre-
15 natal care and nutrition are factors that contribute
16 to higher rates of disability within minority popu-
17 lations. However, disproportionality may be due to
18 misclassification of minority children as disabled and
19 inappropriate placement of minority children, par-
20 ticularly in separate settings, which raises civil
21 rights concerns.

22 “(C) Children with limited English proficiency
23 continue to be underidentified as needing special
24 education services than would be expected from the

1 percentage of such children in the general school
2 population.

3 “(D) Based on 20 years of experience in both
4 general and special education, there is general rec-
5 ognition today that the problems associated with en-
6 suring an appropriate education for children from
7 diverse backgrounds can be effectively addressed
8 when the following are done:

9 “(i) The procedures used for referring and
10 evaluating children with disabilities include ap-
11 propriate safeguards to prevent the over- or
12 underidentification of minority students requir-
13 ing special education.

14 “(ii) Prereferral intervention strategies are
15 adopted, as appropriate, especially in elemen-
16 tary schools.

17 “(iii) Services, supports, and other assist-
18 ance are provided in a culturally competent
19 manner.

20 “(iv) Greater efforts are made to improve
21 post-school results among minority students
22 with disabilities.

23 “(6) That it is in the national interest that the
24 Federal Government has a role with respect to the
25 following:

1 “(A) Assisting State and local efforts to
2 educate children with disabilities in order to im-
3 prove educational and transitional results for
4 such children, and to ensure equal protection of
5 the law.

6 “(B) Assisting States in the provision of
7 early intervention services.

8 “(C) Promoting the improvement of edu-
9 cational and transitional services and results for
10 children with disabilities and early intervention
11 services for infants and toddlers with disabil-
12 ities by supporting systems change activities
13 carried out by the State educational agency, co-
14 ordinated research and personnel preparation,
15 coordinated technical assistance, dissemination,
16 and support, and technology development and
17 media services.

18 “(c) PURPOSES.—The purposes of this Act are to—

19 “(1)(A) ensure that all children with disabilities
20 have available to them a free appropriate public edu-
21 cation that emphasizes special education and related
22 services designed to meet the unique needs of such
23 children and enable such children to lead productive,
24 independent adult lives;

1 “(B) ensure that the rights of children with dis-
2 abilities and their parents are protected; and

3 “(C) assist States and localities to provide for
4 the education of all children with disabilities;

5 “(2) assist States in the implementation of a
6 statewide, comprehensive, coordinated, multidisci-
7 plinary, interagency system of early intervention
8 services for infants and toddlers with disabilities and
9 their families;

10 “(3) promote the improvement of educational
11 and transitional services and results for children
12 with disabilities and early intervention services for
13 infants and toddlers with disabilities by support-
14 ing—

15 “(A) systems change activities by State
16 educational agencies in partnership with other
17 interested parties;

18 “(B) coordinated research and personnel
19 preparation; and

20 “(C) coordinated technical assistance, dis-
21 semination, and support, and technology devel-
22 opment and media services; and

23 “(4) assess and ensure the effectiveness of ef-
24 forts to educate children with disabilities and to pro-

1 vide early intervention services for infants and tod-
2 dlers with disabilities.”.

3 **SEC. 102. DEFINITIONS.**

4 (a) SECTION HEADING.—Section 602 (20 U.S.C.
5 1401) is amended—

6 (1) by striking the section heading and insert-
7 ing the following:

8 **“SEC. 602. DEFINITIONS.”;**

9 and

10 (2) by striking “SEC. 602.”.

11 (b) TERMS.—Section 602(a) (20 U.S.C. 1401(a)) is
12 amended—

13 (1) in paragraph (1)(A)—

14 (A) by striking “(1)(A) The term” and all
15 that follows through “children—” and inserting
16 the following:

17 “(1) CHILD WITH A DISABILITY; CHILD WITH A
18 DISABILITY AGED 3 THROUGH 5; CHILDREN WITH
19 DISABILITIES.—

20 “(A) CHILD WITH A DISABILITY.—The
21 term ‘child with a disability’ means a child—”;

22 (B) in clause (i)—

23 (i) by striking “hearing impairments”
24 and inserting “a hearing impairment”;

1 (ii) by striking “speech or language
 2 impairments, visual impairments” and in-
 3 serting “a speech or language impairment,
 4 a visual impairment”; and

5 (iii) by striking “other health impair-
 6 ments, or specific learning disabilities” and
 7 inserting “any other health impairment, or
 8 a specific learning disability”;

9 (C) in clause (ii), by striking “need” and
 10 inserting “needs”; and

11 (D) by realigning the margins of clauses
 12 (i) and (ii) so as to align with clauses (i) and
 13 (ii) of paragraph 21(A);
 14 (2) in paragraph (1)(B)—

15 (A) by striking “(B) The term” and all
 16 that follows through “include children—” and
 17 inserting the following:

18 “(B) CHILD WITH A DISABILITY AGED 3
 19 THROUGH 5.—At the discretion of the State,
 20 the term ‘child with a disability’ includes a child
 21 aged 3 through 5—”;

22 (B) in clause (i), by striking “(i) experienc-
 23 ing developmental delays” and inserting “(i)
 24 who is experiencing a developmental delay”;

1 (C) in clause (ii), by striking “need” and
 2 inserting “needs”;

3 (D) by realigning the margins of subpara-
 4 graph (B) so as to align with subparagraph (B)
 5 of paragraph (11); and

6 (E) by realigning the margins of clauses
 7 (i) and (ii) so as to align with clauses (i) and
 8 (ii) of paragraph (21)(A);

9 (3) by inserting after paragraph (1)(B), the fol-
 10 lowing new subparagraph:

11 “(C) CHILDREN WITH DISABILITIES.—The
 12 term ‘children with disabilities’ means more than 1
 13 child with a disability.”;

14 (4) in paragraph (4), by striking “The term”
 15 and inserting “CONSTRUCTION.—The term”;

16 (5) in paragraph (5), by striking “The term”
 17 and inserting EQUIPMENT.—The term”;

18 (6) in paragraph (6), to read as follows:

19 “(6) STATE.—The term ‘State’ means each of
 20 the 50 States, the District of Columbia, the Com-
 21 monwealth of Puerto Rico, and each of the outlying
 22 areas.”;

23 (7) in paragraph (7), by striking “The term”
 24 and inserting “STATE EDUCATIONAL AGENCY.—The
 25 term”;

1 (8) in paragraph (8), to read as follows:

2 “(8) LOCAL EDUCATIONAL AGENCY.—The term
3 ‘local educational agency’ means—

4 “(A) a public board of education or other
5 public authority legally constituted within a
6 State—

7 “(i) for either administrative control
8 or direction of, or to perform a service
9 function for, public elementary or second-
10 ary schools in a city, county, township,
11 school district, or other political subdivi-
12 sion of a State; or

13 “(ii) for a combination of school dis-
14 tricts or counties as are recognized in a
15 State as an administrative agency for the
16 public elementary or secondary schools of
17 the State;

18 “(B) any other public institution or agency
19 having administrative control and direction of a
20 public elementary or secondary school; or

21 “(C) an educational service agency, as de-
22 fined in paragraph (7).”;

23 (9) in paragraph (9), by striking “The term”
24 and inserting “ELEMENTARY SCHOOL.—The term”;

1 (10) in paragraph (10), by striking “The term”
 2 and inserting “SECONDARY SCHOOL.—The term”;

3 (11) in paragraph (11), to read as follows:

4 “(11) INSTITUTION OF HIGHER EDUCATION.—
 5 The term ‘institution of higher education’—

6 “(A) has the meaning given to such term
 7 by section 1201(a) of the Higher Education Act
 8 of 1965 (20 U.S.C. 1141(a)); and

9 “(B) includes any community college re-
 10 ceiving funding from the Secretary of the Inte-
 11 rior under the Tribally Controlled Community
 12 College Assistance Act of 1978 (25 U.S.C.
 13 1801 et seq.).”;

14 (12) in paragraph (12), by striking “The term”
 15 and inserting “NONPROFIT.—The term”;

16 (13) by striking paragraph (13);

17 (14) in paragraph (14), by striking “The term”
 18 and inserting “SECRETARY.—The term”;

19 (15) in paragraph (15), to read as follows:

20 “(15) SPECIFIC LEARNING DISABILITY.—The
 21 term ‘specific learning disability’—

22 “(A) means a disorder—

23 “(i) in one or more of the basic psy-
 24 chological processes involved in under-

1 standing or in using language, spoken or
2 written; and

3 “(ii) that may manifest itself in im-
4 perfect ability to listen, think, speak, read,
5 write, spell, or do mathematical calcula-
6 tions;

7 “(B) includes such conditions as percep-
8 tual disabilities, brain injury, minimal brain
9 dysfunction, dyslexia, and developmental apha-
10 sia; and

11 “(C) does not include a learning problem
12 that is primarily the result of visual, hearing, or
13 motor disabilities, of mental retardation, of
14 emotional disturbance, or of environmental, cul-
15 tural, or economic disadvantage.”;

16 (16) in paragraph (16)—

17 (A) by striking “The term” and inserting
18 “SPECIAL EDUCATION.—The term”; and

19 (B) by striking “or guardians”;

20 (17) in paragraph (17)—

21 (A) by striking “The term” and inserting
22 “RELATED SERVICES.—The term”;

23 (B) by striking “speech pathology and
24 audiology” and inserting “speech-language pa-
25 thology services and audiology services”; and

1 (C) by striking “rehabilitation counseling,”
 2 and inserting “rehabilitation counseling, ori-
 3 entation and mobility services,”;
 4 (18) in paragraph (18)—

5 (A) by striking “The term” and inserting
 6 “FREE APPROPRIATE PUBLIC EDUCATION.—
 7 The term”; and

8 (B) in subparagraph (D), by striking “re-
 9 quired under section 614(a)(5)” and inserting
 10 “requirements under subsections (d) through (j)
 11 of section 614”;

12 (19) by striking paragraph (19);

13 (20) in paragraph (20), to read as follows:

14 “(20) INDIVIDUALIZED EDUCATION PROGRAM;
 15 IEP.—The term ‘individualized education program’
 16 and the term ‘IEP’ mean a written statement for
 17 each child with a disability that is developed, re-
 18 viewed, and revised in accordance with subsections
 19 (d) through (j) of section 614.”;

20 (21) in paragraph (21)—

21 (A) by striking “The term” and inserting
 22 “EXCESS COSTS.—The term”;

23 (B) in subparagraph (A)—

24 (i) in clause (i), by striking “this
 25 part” and inserting “part B”;

1 (ii) in clause (ii), by striking “under
2 title I” and inserting “under part A of title
3 I”; and

4 (iii) in clause (iii), by striking “title
5 VII of the Elementary and Secondary Edu-
6 cation Act of 1965” and inserting “part A
7 of the Bilingual Education Act”; and

8 (C) in subparagraph (B), by striking “such
9 part, chapter, or title” and inserting “a part re-
10 ferred to in subparagraph (A)”;

11 (22) in paragraph (22)—

12 (A) by striking “The term” and inserting
13 “NATIVE LANGUAGE.—The term”; and

14 (B) by striking “section 7003(a)(2)” and
15 inserting “section 7501(11)”;

16 (23) in paragraph (23)—

17 (A) by striking “The term ‘intermediate
18 educational unit’ means” and inserting “EDU-
19 CATIONAL SERVICE AGENCY.—The term ‘edu-
20 cational service agency’ means”; and

21 (B) by striking “local educational agency,”
22 and inserting “local educational agency de-
23 scribed in subparagraphs (A) and (B) of para-
24 graph (19),”;

25 (24) in paragraph (24), to read as follows:

1 “(24) INDIAN; INDIAN TRIBE.—

2 “(A) INDIAN.—The term ‘Indian’ means
3 an individual who is a member of an Indian
4 tribe.

5 “(B) INDIAN TRIBE.—The term ‘Indian
6 tribe’ means any Federal or State Indian tribe,
7 band, rancheria, pueblo, colony, or community,
8 including any Alaska Native village or regional
9 village corporation (as defined in or established
10 under the Alaska Native Claims Settlement
11 Act).”;

12 (25) in paragraph (25), by striking “The term”
13 and inserting “ASSISTIVE TECHNOLOGY DEVICE.—
14 The term”;

15 (26) in paragraph (26), by striking “The term”
16 and inserting “ASSISTIVE TECHNOLOGY SERVICE.—
17 The term”;

18 (27) in paragraph (27), to read as follows:

19 “(27) UNSERVED AND UNDERSERVED.—The
20 terms ‘unserved’ and ‘underserved’, with respect to
21 populations include populations such as individuals
22 with disabilities who are from racial and ethnic mi-
23 nority backgrounds, who are disadvantaged individ-
24 uals, who are individuals with limited English pro-

1 ficiency, and who are individuals from underserved
2 geographic areas, both urban and rural.”;

3 (28) by redesignating paragraphs (1), (5), (6),
4 (7), (8), (9), (10), (11), (12), (14), (15), (16), (17),
5 (18), (20), (21), (22), (23), (24), (25), (26), and
6 (27) as paragraphs (4), (9), (30), (31), (19), (8),
7 (26), (18), (21), (27), (29), (28), (25), (11), (15),
8 (10), (20), (7), (14), (1), (2), and (34), respectively;

9 (29) by inserting after paragraph (2) (as so re-
10 designated by paragraph (28)) the following new
11 paragraph:

12 “(3) BEHAVIOR MANAGEMENT PLAN.—The
13 term ‘behavior management plan’ means a plan con-
14 sisting of strategies and services to address the be-
15 havior of a child with a disability and to help the
16 child learn socially appropriate and responsible be-
17 havior in the school and other community-based edu-
18 cational settings.”;

19 (30) by inserting after paragraph (5) (as so re-
20 designated by paragraph (28)) the following new
21 paragraph:

22 “(6) DISABILITY.—The term ‘disability’, except
23 with respect to an infant or toddler with a disability,
24 means an impairment or other condition described in

1 paragraph (4) (relating to the definition of a child
2 with a disability).”;

3 (31) by inserting after paragraph (11) (as so
4 redesignated by paragraph (28)) the following new
5 paragraphs:

6 “(12) GENERAL EDUCATION CURRICULUM.—
7 The term ‘general education curriculum’ means the
8 curriculum adopted by the local educational agency
9 for all children from preschool through secondary
10 school.”;

11 “(13) INAPPROPRIATELY IDENTIFIED.—The
12 term ‘inappropriately identified’ with respect to pop-
13 ulation means a population of students from rural
14 and ethnic minority backgrounds in which students
15 are over- or under-identified as having disabilities.”;

16 (32) by inserting after paragraph (15) (as so
17 redesignated by paragraph (28)) the following new
18 paragraphs:

19 “(16) INDIVIDUALIZED FAMILY SERVICE PLAN;
20 IFSP.—The term ‘individualized family service plan’
21 and the term ‘IFSP’ mean a written plan for provid-
22 ing early intervention services to each infant and
23 toddler with a disability that meets the requirements
24 of section 677(d).

1 “(17) INFANT OR TODDLER WITH A DISABIL-
 2 ITY; INFANTS AND TODDLERS WITH DISABILITIES.—
 3 The terms ‘infant or toddler with a disability’ and
 4 ‘infants and toddlers with disabilities’ have the
 5 meanings given the terms in section 672.”;

6 (33) by inserting after paragraph (21) (as so
 7 redesignated by paragraph (28)), the following new
 8 paragraphs:

9 “(22) OUTLYING AREAS.—The term ‘outlying
 10 areas’ means the Virgin Islands, Guam, American
 11 Samoa, Commonwealth of the Northern Mariana Is-
 12 lands, Republic of the Marshall Islands, Federated
 13 States of Micronesia, and the Republic of Palau.

14 “(23) PARENT.—The term ‘parent’ includes a
 15 legal guardian.

16 “(24) PUBLIC OR PRIVATE NONPROFIT AGENCY
 17 OR ORGANIZATION.—The term ‘public or private
 18 nonprofit agency or organization’ includes an Indian
 19 tribe and tribally controlled schools funded by the
 20 Department of the Interior.”;

21 (34) by inserting after paragraph (31) (as so
 22 redesignated by paragraph (28)) the following new
 23 paragraph:

24 “(32) SUPPLEMENTARY AIDS AND SERVICES.—
 25 The term ‘supplementary aids and services’ means

aids, services, and other supports that are provided in regular education classes to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate, in accordance with section 612(a)(5).”;

(35) by inserting after paragraph (32) (as so redesignated by paragraph (28)) the following new paragraph:

“(33) SYSTEMS CHANGE ACTIVITIES; SYSTEMS CHANGE OUTCOMES.—

“(A) SYSTEMS CHANGE ACTIVITIES.—The term ‘systems change activities’ means efforts to design, implement, and evaluate strategies and activities leading to systems change outcomes.

“(B) SYSTEMS CHANGE OUTCOMES.—The term ‘systems change outcomes’ means systemwide changes in policies, procedures, practices, training, or use of personnel, parents, and school-age peers of children with disabilities that benefit and improve the early intervention, educational, and transitional services and results of children with disabilities.”; and

(36) by striking “(a) As used in this title—” and inserting the following:

1 “(a) TERMS.—Except as otherwise provided, the fol-
 2 lowing terms have the following meanings as used in this
 3 Act:”.

4 (c) YOUTH WITH A DISABILITY.—Section 602(b) (20
 5 U.S.C. 1401(b)) is amended to read as follows:

6 “(b) REFERENCES TO ACT OR TITLE.—If a provision
 7 of this title refers to the term ‘this title’ or ‘this Act’, the
 8 provision shall be deemed to refer to the Individuals with
 9 Disabilities Education Act.”

10 **SEC. 103. OFFICE OF SPECIAL EDUCATION PROGRAMS.**

11 Section 603 (20 U.S.C. 1402) is amended by adding
 12 at the end thereof the following new subsection:

13 “(c) Notwithstanding section 1342 of title 31, United
 14 States Code, the Secretary is authorized to accept vol-
 15 untary and uncompensated services in furtherance of the
 16 purposes of this Act.”.

17 **SEC. 104. REQUIREMENTS FOR PRESCRIBING REGULA-**
 18 **TIONS.**

19 Section 608(a) (20 U.S.C. 1407(a)) is amended by
 20 striking “(a) For purposes” and all that follows through
 21 “days.” and inserting the following: “(a) The Secretary
 22 shall provide a public comment period of at least 90 days
 23 on any regulation proposed under part B for which a time
 24 period for an opportunity for public comment is otherwise
 25 required.”.

1 **SEC. 105. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

2 Section 609 (20 U.S.C. 1408) is amended to read as
3 follows:

4 **“SEC. 609. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

5 “The Secretary may not make a grant under parts
6 C through E to a State, or to any local educational agency
7 or other public institution or agency in the State, that re-
8 lates exclusively to programs, projects, and activities per-
9 taining to children aged 3 through 5, unless the State is
10 eligible to receive a grant under section 619.”.

11 **SEC. 106. ADMINISTRATIVE PROVISIONS APPLICABLE TO**
12 **DISCRETIONARY GRANT PROGRAMS.**

13 (a) IN GENERAL.—Section 610 (20 U.S.C. 1409) is
14 amended to read as follows:

15 **“SEC. 610. ADMINISTRATIVE PROVISIONS FOR DISCRE-**
16 **TIONARY GRANT PROGRAMS.**

17 “(a) FINDINGS WITH RESPECT TO ADDRESSING DI-
18 VERSITY UNDER PARTS D AND E.—With respect to this
19 section and parts D and E, Congress finds the following:

20 “(1)(A) The Federal Government must be re-
21 sponsive to the growing needs of an increasingly
22 more diverse society. A more equitable allocation of
23 resources is essential for the Federal Government to
24 meet its responsibility to provide an equal edu-
25 cational opportunity for all individuals.

1 “(B) Recent data indicate that the number of
2 African American and Hispanic children in schools,
3 and in special education, continues to rise, and the
4 number of minority teachers and related services
5 personnel produced in the colleges and universities
6 of the United States continues to decrease.

7 “(2) There is a compelling national interest in
8 aiding institutions of higher education that have his-
9 torically served students who have been denied ac-
10 cess to postsecondary education because of race or
11 national origin and whose participation in the Amer-
12 ican system of higher education is in the interest of
13 the United States so that the access to, and the
14 quality of, postsecondary education are enhanced for
15 all students.

16 “(3)(A) Historically Black Colleges and Univer-
17 sities and other institutions of higher education with
18 substantial minority enrollments have an important
19 role in the development of a professional workforce
20 in special education and related services that reflects
21 the full participation of all members of society by
22 providing access and high-quality education to low-
23 income and minority students who will enter the
24 field of special education and other related fields.
25 Upon completing their education at such colleges

1 and universities and institutions, many low-income
2 and minority students become teachers or profes-
3 sionals in related fields and provide services to chil-
4 dren with disabilities in inner-city urban and rural
5 areas that have experienced significant shortages in
6 qualified personnel.

7 “(B) Recent data indicate that the Historically
8 Black Colleges and Universities enroll nearly 50 per-
9 cent of the African American teacher trainees in the
10 United States. However, during the time period cov-
11 ered by the data, such colleges and universities re-
12 ceived only 4 percent of the discretionary funds for
13 special education and related services personnel
14 training under this Act.

15 “(b) COMPREHENSIVE PLAN.—

16 “(1) IN GENERAL.—The Secretary shall develop
17 and implement a comprehensive plan for activities
18 under parts D and E in order to enhance the provi-
19 sion of educational, related, and early intervention
20 services to children with disabilities under parts B
21 and H. Such plan shall include mechanisms to ad-
22 dress early intervention, educational, and transi-
23 tional needs identified by States in applications sub-
24 mitted for systems change grants funded under
25 part C.

1 “(2) PARTICIPANTS IN PLAN DEVELOPMENT.—

2 In developing the plan described in paragraph (1),
3 the Secretary shall involve—

4 “(A) individuals with disabilities;

5 “(B) parents of children with disabilities;

6 “(C) appropriate professionals; and

7 “(D) representatives of State and local
8 educational agencies, private schools, institu-
9 tions of higher education, other Federal agen-
10 cies, the National Council on Disabilities, and
11 national organizations with an interest in, and
12 expertise in, providing services to children with
13 disabilities and their families.

14 The Secretary shall publish the plan in the Federal
15 Register for public comment.

16 “(3) DISTRIBUTION OF FUNDS.—In implement-
17 ing the plan described in paragraph (1), the Sec-
18 retary shall, to the extent appropriate, ensure that
19 funds are awarded to recipients under parts D and
20 E to carry out activities that benefit, directly or in-
21 directly, children with disabilities of all ages.

22 “(c) ELIGIBLE APPLICANTS.—

23 “(1) IN GENERAL.—Except as otherwise pro-
24 vided in this subsection, the following entities are el-

1 eligible to apply for a grant, contract, or cooperative
2 agreement under parts D and E:

3 “(A) A State educational agency.

4 “(B) A local educational agency.

5 “(C) An institution of higher education.

6 “(D) Any other public agency.

7 “(E) A private nonprofit organization.

8 “(F) An outlying area.

9 “(G) An Indian tribe.

10 “(H) A for-profit organization, if the Sec-
11 retary determines that such organization is an
12 appropriate entity to be eligible to apply for a
13 grant, contract, or cooperative agreement under
14 parts D and E.

15 “(2) SPECIAL RULE.—The Secretary may limit
16 the award of a grant, contract, or cooperative agree-
17 ment to one or more categories of eligible entities
18 described in paragraph (1).

19 “(3) LIMITATION ON THE USE OF FUNDS BY
20 THE SECRETARY.—

21 “(A) IN GENERAL.—Notwithstanding any
22 other provision of law and subject to subpara-
23 graph (B), the Secretary may use not more
24 than 20 percent of the total funds available

under parts D and E to carry out an activity
or combination of activities, if—

“(i) the activity or combination of activities is consistent with the purposes of parts D and E (subject to such conditions as the Secretary determines are appropriate to effectively carry out the purposes of such parts); and

“(ii) the activity or combination of activities involves coordinated research, personnel preparation, parent training and information, coordinated technical assistance and dissemination, technology development, demonstration and utilization, or media services.

“(B) SPECIAL RULES.—

“(i) SINGLE ACTIVITY.—In carrying out an activity described in subparagraph (A), the Secretary shall use only the portion of funds made available for an activity under parts D and E (whichever is applicable) that relates to the activity described in subparagraph (A).

“(ii) COMBINATION OF ACTIVITIES.—
In carrying out a combination of activities

1 described in subparagraph (A), the Sec-
 2 retary shall use only the portion of funds
 3 made available for activities under parts D
 4 and E (whichever is applicable) that relate
 5 to the combination of activities described
 6 in subparagraph (A).

7 “(d) SPECIAL POPULATIONS.—

8 “(1) APPLICATION REQUIREMENT.—In making
 9 awards of a grant, contract, or cooperative agree-
 10 ment under parts D and E, the Secretary shall, as
 11 appropriate, require an applicant to demonstrate
 12 how the applicant will address the needs of children
 13 with disabilities from unserved, underserved, and in-
 14 appropriately identified populations.

15 “(2) OUTREACH AND TECHNICAL ASSIST-
 16 ANCE.—Notwithstanding any other provision of this
 17 Act, the Secretary—

18 “(A) shall ensure that at least 1 percent of
 19 the total amount of funds appropriated for
 20 parts D and E is used—

21 “(i) for outreach and technical assist-
 22 ance to Historically Black Colleges and
 23 Universities, and to institutions of higher
 24 education with minority enrollments of at
 25 least 25 percent, to promote the participa-

tion of such colleges, universities, and institutions in activities under such parts; and

“(ii) to enable the Historically Black Colleges and Universities and the institutions described in clause (i) to assist other colleges, universities, and institutions in improving educational and transitional results for children with disabilities; and

“(B) may reserve funds appropriated under parts D and E to meet the requirement of subparagraph (A).

“(e) PRIORITIES.—

“(1) IN GENERAL.—The Secretary shall ensure that a grant, contract, or cooperative agreement under parts D and E is awarded only for activities that are designed to benefit children with disabilities and their families, and the personnel employed to work with such children and their families.

“(2) ELIGIBLE ACTIVITIES.—Subject to paragraph (1), the Secretary in making an award of a grant, contract, or cooperative agreement under parts D and E may, without rulemaking under section 553 of title 5, United States Code, limit the grant, contract, or cooperative agreement to, or oth-

erwise give priority to, eligible entities that carry out
the following activities:

“(A) IN GENERAL.—Activities relating to
personnel preparation, training, research, dis-
semination of information, technical assistance,
technology development and educational media
services that address one or more of the
following:

“(i) The age ranges of children with
disabilities.

“(ii) The types of disabilities of chil-
dren.

“(iii) The school grades of children
with disabilities.

“(iv) The types of educational place-
ments or early intervention environments
of children with disabilities.

“(v) The types of services provided to
children with disabilities.

“(vi) Content areas such as reading.

“(vii) Effective strategies for helping
children with disabilities learn socially ap-
propriate and responsible behavior in the
school and other community based edu-
cational settings.

1 “(B) ACTIVITIES RELATED TO GENDER-
 2 BASED NEEDS.—Activities relating to personnel
 3 preparation, training, research, dissemination of
 4 information, technical assistance, technology de-
 5 velopment and educational media services that
 6 address the needs of children with disabilities
 7 who are of a particular gender.

8 “(C) ACTIVITIES RELATED TO SEVERITY
 9 OF DISABILITY.—Activities relating to personnel
 10 preparation, training, research, dissemination of
 11 information, technical assistance, technology de-
 12 velopment and educational media services that
 13 address the needs of children based on the se-
 14 verity of the disability of the children.

15 “(D) OTHER RELATED ACTIVITIES.—Ac-
 16 tivities relating to personnel preparation, train-
 17 ing, research, dissemination of information,
 18 technical assistance, technology development
 19 and educational media services that address the
 20 needs of the following individuals and areas:

21 “(i) Low-achieving students.

22 “(ii) Underserved populations.

23 “(iii) Children from low-income fami-
 24 lies.

1 “(iv) Children with limited English
2 proficiency.

3 “(v) Unserved and underserved areas.

4 “(vi) Children whose behavior inter-
5 feres with their learning and socialization.

6 “(vii) Inappropriately identified pop-
7 ulations.

8 “(E) NATIONAL ACTIVITIES.—Activities re-
9 lating to personnel preparation, training, re-
10 search, dissemination of information, technical
11 assistance, technology development and edu-
12 cational media services that are carried in par-
13 ticular areas of the country, to ensure broad ge-
14 ographic coverage.

15 “(F) AUTHORIZED ACTIVITIES.—Any ac-
16 tivity that is expressly authorized in the appli-
17 cable part.

18 “(f) APPLICANT AND RECIPIENT RESPONSIBIL-
19 ITIES.—

20 “(1) DEVELOPMENT AND ASSESSMENT OF
21 PROJECTS.—The Secretary shall require that an ap-
22 plicant for, and a recipient of, a grant, contract, or
23 cooperative agreement under parts D and E—

24 “(A) involve individuals with disabilities or
25 parents of individuals with disabilities in plan-

1 ning, implementing, and evaluating projects;
2 and

3 “(B) where appropriate, determine whether
4 the project of the applicant and recipient has
5 any potential for replication and adoption by
6 other entities.

7 “(2) ADDITIONAL RESPONSIBILITIES.—The
8 Secretary may require a recipient of a grant, con-
9 tract, or cooperative agreement under parts D and
10 E to—

11 “(A) share in the cost of the project of the
12 recipient;

13 “(B) prepare the research and evaluation
14 findings and products in formats that are use-
15 ful for specific audiences, including parents, ad-
16 ministrators, teachers, early intervention per-
17 sonnel, related services personnel, and individ-
18 uals with disabilities;

19 “(C) disseminate such findings and prod-
20 ucts; and

21 “(D) collaborate with other recipients in
22 carrying out the activities described in subpara-
23 graphs (B) and (C).

24 “(g) APPLICATION MANAGEMENT.—

25 “(1) STANDING PANELS.—

1 “(A) IN GENERAL.—The Secretary shall
 2 establish and use standing panels of experts
 3 who are competent, by virtue of their training,
 4 expertise, or experience, to evaluate applications
 5 under parts D and E that request more than
 6 \$75,000 a year in assistance.

7 “(B) FEDERAL EMPLOYMENT LIMITA-
 8 TION.—A majority of each panel described in
 9 subparagraph (A) shall be individuals who are
 10 not employees of the Federal Government.

11 “(2) SELECTION AND PARTICIPATION OF PANEL
 12 MEMBERS.—

13 “(A) IN GENERAL.—The Secretary shall
 14 establish criteria to use in the selection of panel
 15 members. Such criteria shall ensure that the
 16 membership of standing panels includes—

17 “(i) individuals with knowledge and
 18 expertise on the issues addressed by the
 19 activities authorized by parts D and E;
 20 and

21 “(ii) to the extent practicable, parents
 22 of children with disabilities, individuals
 23 with disabilities, and persons from diverse
 24 racial, ethnic, and cultural backgrounds.

1 “(B) MEMBERSHIP.—Standing panel
2 membership shall include, at a minimum, indi-
3 viduals who—

4 “(i) are representatives of institutions
5 of higher education that plan, develop, and
6 carry out programs of personnel prepara-
7 tion;

8 “(ii) design and carry out programs of
9 research targeted to the improvement of
10 special education programs and services;

11 “(iii) have recognized experience and
12 knowledge necessary to integrate and apply
13 research findings to improve educational
14 and transitional results for children with
15 disabilities;

16 “(iv) administer programs at the
17 State or local level in which children with
18 disabilities participate;

19 “(v) prepare parents of children with
20 disabilities to participate in making deci-
21 sions about the education of their children;

22 “(vi) establish policies that affect the
23 delivery of services to children with disabil-
24 ities;

1 “(vii) are parents of children with dis-
 2 abilities who are benefiting or have bene-
 3 fited from coordinated research, personnel
 4 preparation, and technical assistance; and

5 “(viii) are individuals with disabilities.

6 “(C) TRAINING.—The Secretary shall pro-
 7 vide training to the individuals who are selected
 8 as members of the standing panels under this
 9 paragraph.

10 “(D) TERM.—Membership on any standing
 11 panel shall be for a period of not more than 3
 12 consecutive years.

13 “(3) SECRETARY’S DISCRETION OVER LIMITED
 14 USE OF DISCRETIONARY FUNDS FOR ADMINISTRA-
 15 TIVE PURPOSES.—

16 “(A) EXPENSES AND FEES OF NON-FED-
 17 ERAL PANEL MEMBERS.—The Secretary may
 18 use funds available under parts D and E to pay
 19 the expenses and fees of non-Federal panel
 20 members.

21 “(B) ADMINISTRATIVE SUPPORT.—The
 22 Secretary may not use more than 1 percent of
 23 the funds available under parts D and E to pay
 24 non-Federal entities for administrative support
 25 related to application management.

1 “(C) MONITORING.—The Secretary may
 2 use funds available under parts D and E to pay
 3 the expenses of Federal employees to conduct
 4 onsite monitoring of projects receiving
 5 \$500,000 or more, for any fiscal year.

6 “(h) PROGRAM EVALUATION.—The Secretary may
 7 use funds appropriated to carry out parts D and E to
 8 evaluate activities carried out under such parts.

9 “(i) RULES OF CONSTRUCTION.—

10 “(1) REFERENCES TO EARLY INTERVENTION
 11 SERVICES.—

12 “(A) CHILD WITH A DISABILITY.—If a
 13 provision of part C, D, or E refers to services
 14 for a child with a disability (or a family mem-
 15 ber of the child), and the services include early
 16 intervention services, the provision shall be
 17 deemed to refer to—

18 “(i) early intervention services for an
 19 infant or toddler with a disability (or a
 20 family member of the infant or toddler, as
 21 appropriate); and

22 “(ii) the other services referred to in
 23 the provision for a child with a disability
 24 (or a family member of the child, as appro-
 25 priate).

1 “(B) PERSON WITH A RELATIONSHIP TO A
 2 CHILD WITH A DISABILITY.—If a provision of
 3 part C, D, or E refers to a benefit (such as
 4 training or research) for a person (such as a
 5 parent or education professional) with a rela-
 6 tionship to a child with a disability (or a family
 7 member of the child), and the benefit is pro-
 8 vided with respect to services that include early
 9 intervention services, the provision shall be
 10 deemed to refer to—

11 “(i) the benefit, provided with respect
 12 to early intervention services, for a person
 13 with a relationship to an infant or toddler
 14 with a disability (or a family member of
 15 the infant or toddler, as appropriate); and

16 “(ii) the benefit, provided with respect
 17 to the other services referred to in the pro-
 18 vision, for a person with a relationship to
 19 a child with a disability (or a family mem-
 20 ber of the child, as appropriate).

21 “(2) REFERENCES TO EARLY INTERVENTION
 22 RESULTS.—

23 “(A) CHILD WITH A DISABILITY.—If a
 24 provision of part C, D, or E refers to results for
 25 a child with a disability, and the results include

early intervention results, the provision shall be deemed to refer to—

“(i) early intervention results for an infant or toddler with a disability; and

“(ii) the other results referred to in the provision for a child with a disability.

“(B) PERSON WITH A RELATIONSHIP TO A CHILD WITH A DISABILITY.—If a provision of part C, D, or E refers to a benefit (such as training or research) for a person described in paragraph (1)(B)(ii) that is provided to achieve results for a child with a disability, and the results include early intervention results, the provision shall be deemed to refer to—

“(i) the benefit, provided to achieve early intervention results, for a person with a relationship to an infant or toddler with a disability; and

“(ii) the benefit, provided to achieve other results referred to in the provision, for a person with a relationship to a child with a disability.”.

SEC. 107. REPEALS.

(a) PROVISIONS.—Section 605 (20 U.S.C. 1404) and section 607 (20 U.S.C. 1406) are repealed.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of enactment
3 of this Act.

4 **SEC. 108. TRANSITION RULE.**

5 (a) RULE.—The Secretary of Education shall use
6 funds appropriated under the Individuals with Disabilities
7 Education Act (20 U.S.C. 1400 et seq.) for fiscal year
8 1997 to carry out such administrative activities as may
9 be necessary (including activities described in section 610
10 of such Act (as amended in section 106), evaluation of
11 applications for financial assistance for fiscal year 1997
12 under subsection (d)(2) of such section 610 and parts C,
13 D, and E of such Act (as amended in titles III, IV, and
14 V), selection of recipients of such assistance, and promul-
15 gation of regulations), to ensure the efficient implementa-
16 tion by October 1, 1997, of—

17 (1) such parts C, D, and E; and

18 (2) the provisions of part A of such Act that re-
19 late to activities carried out under such part C, D,
20 or E, with respect to such activities, and subsection
21 (d)(2) of such section 610.

22 (b) CONSTRUCTION.—Nothing in this section or the
23 amendments made by section 106 shall be construed to
24 grant the Secretary the authority to provide assistance to
25 any person, prior to October 1, 1997, to carry out any

1 activity under section 610(d)(2) of the Individuals with
 2 Disabilities Education Act (as amended in section 106)
 3 or part C, D, or E (as amended in titles III, IV and V)
 4 of such Act.

5 (c) FISCAL YEARS 1996 AND 1997.—Section 610 of
 6 the Individuals with Disabilities Education Act (as in ef-
 7 fect on the day before the date of enactment of this Act)
 8 shall apply with respect to administrative activities related
 9 to the provision of financial assistance for fiscal years
 10 1996 and 1997 under parts C through G of such Act (as
 11 in effect on such date).

12 (d) EFFECTIVE.—This section shall take effect on the
 13 date of enactment of this Act.

14 **SEC. 109. EFFECTIVE DATE.**

15 Except as provided in section 107, the amendments
 16 made by this title shall take effect on October 1, 1997.

17 **TITLE II—ASSISTANCE FOR EDU-**
 18 **CATION OF ALL CHILDREN**
 19 **WITH DISABILITIES**

20 **SEC. 201. ENTITLEMENTS AND ALLOCATIONS.**

21 (a) WITHIN STATE DISTRIBUTIONS.—Section 611
 22 (20 U.S.C. 1411) is amended—

23 (1) in the matter immediately following sub-
 24 section (b)(3)(B), by striking “(c)” and all that fol-

1 lows through “(1) Of the funds” and inserting the
 2 following:

3 “(c)(1) Of the funds”;

4 (2) in the matter immediately following sub-
 5 section (c)(1) (as amended by paragraph (1)), by
 6 striking “(2)” and all that follows through “(A)
 7 From the funds” and inserting the following:

8 “(2)(A) From the funds”; and

9 (3) in subsection (c) (as amended by paragraph
 10 (1))—

11 (A) in paragraph (1)—

12 (i) by realigning the margins of sub-
 13 paragraphs (A) and (B) so as to align with
 14 subclause (i) of paragraph (4)(A); and

15 (ii) in subparagraph (B)—

16 (I) by striking “paragraph (4)”
 17 and inserting “subsection (d)(3)”;

18 (II) by striking “and intermedi-
 19 ate educational units”; and

20 (III) by striking “, for use in ac-
 21 cordance with priorities established
 22 under section 612(3)”;

23 (B) in paragraph (2)(A) (as so redesign-
 24 nated by paragraph (2))—

1 (i) by realigning the margins of
 2 clauses (i) and (ii) so as to align with
 3 subclause (i) of paragraph (4)(A);

4 (ii) by realigning the margins of
 5 subclauses (I) and (II) so as to align with
 6 subclause (I) of subsection (d)(2)(A)(i);

7 (iii) in clause (i), by striking “admin-
 8 istrative costs related to carrying out sec-
 9 tions 612 and 613; and” and inserting
 10 “the purpose of administering this part;”;

11 (iv) in clause (ii)—

12 (I) in subclause (I), by striking
 13 “in accordance with priorities estab-
 14 lished under section 612(3); and” and
 15 inserting a semicolon;

16 (II) in subclause (II), by striking
 17 the period at the end thereof and in-
 18 serting a semicolon;

19 (III) by adding at the end thereof
 20 the following:

21 “(III) to establish and implement the me-
 22 diation process required by section 615(e); and

23 “(IV) for activities at the State and local
 24 levels to meet the performance goals established
 25 by the State under section 612(a)(16); and

1 “(iii) may use the remainder—

2 “(I) to develop and implement systems
3 change activities under part C;

4 “(II) to supplement other funds used to
5 develop and implement a statewide fully inte-
6 grated and coordinated services system that
7 links education, health, social welfare services,
8 support systems, private entities, and commu-
9 nity entities in a manner designed to improve
10 the educational and transitional results for chil-
11 dren and families (including children with dis-
12 abilities and their families), but not to exceed 1
13 percent of the amount received by the State
14 under this section; or

15 “(III) for other appropriate activities as
16 determined by the State educational agency.

17 The system described in subclause (II) of clause (iii) shall
18 be coordinated with, and to the extent appropriate, sup-
19 port the coordinated, services developed by the State
20 under part H.”;

21 (C) in paragraph (3), by striking “section
22 613(a)(9)” and inserting “section
23 612(a)(18)(A) (ii) and (iii)”;

24 (D) by striking paragraph (4).

1 (b) SUBGRANTS.—Section 611(d) (20 U.S.C.
2 1411(d)) is amended—

3 (1) in paragraph (1)—

4 (A) by striking “or intermediate edu-
5 cational unit”;

6 (B) by striking “or unit”; and

7 (C) by striking “and units”;

8 (2) by adding at the end thereof the following
9 new paragraphs:

10 “(3)(A) A State may elect not to distribute funds to
11 any local educational agency under this section or under
12 section 619 for any fiscal year if the total amount the local
13 educational agency would receive, from the combination
14 of funds under this section and section 619, is less than
15 \$7,500.

16 “(B) When a State elects to use its authority under
17 subparagraph (A), the State shall use the funds that
18 would otherwise be provided to the local educational agen-
19 cy to ensure the provision of a free appropriate public edu-
20 cation to children with disabilities residing in the area
21 served by that agency.

22 “(C) A State’s authority under subparagraph (A)
23 does not apply to a State agency that is eligible for a pay-
24 ment under paragraph (2) or section 619(g).

1 “(4) If a State educational agency determines that
 2 a local educational agency is adequately providing a free
 3 appropriate public education to all children with disabil-
 4 ities residing in the area served by that agency with State
 5 and local funds, the State educational agency may reallo-
 6 cate any portion of the funds under this part that are not
 7 needed by that local agency to provide a free appropriate
 8 public education to other local educational agencies in the
 9 State that are not adequately providing special education
 10 and related services to all children with disabilities resid-
 11 ing in the areas such other local educational agencies
 12 serve.”.

13 (c) OUTLYING AREAS.—Section 611 (20 U.S.C.
 14 1411) is amended—

15 (1) in the matter immediately following sub-
 16 section (d), by striking “(e)” and all that follows
 17 through “effect).” and inserting the following:

18 “(e)(1)(A) The jurisdictions to which this subsection
 19 applies are the outlying areas as defined in section 602.”;
 20 and

21 (2) in paragraph (2)—

22 (A) by striking “such jurisdictions are so”
 23 and inserting “such outlying areas are so”;

24 (B) by striking “such jurisdiction” and in-
 25 serting “of the outlying areas”; and

1 (C) by striking “(2) Each jurisdiction” and
 2 inserting “(B) Each of the outlying areas”; and
 3 (3) in paragraph (3)—

4 (A) by striking “each jurisdiction” and in-
 5 serting “each of the outlying areas”;

6 (B) by striking “such jurisdiction” and in-
 7 serting “each of the outlying areas”; and

8 (C) by striking “(3) The” and inserting
 9 “(2) The”; and
 10 (4) by adding at the end thereof the following

11 new paragraph:

12 “(3) The provisions of section 501 of Public Law 95–
 13 134 (48 U.S.C. 1469a), permitting the consolidation of
 14 grants to outlying areas, shall not apply to funds such
 15 areas receive under this section.”.

16 (d) SECRETARY OF THE INTERIOR.—Section 611(f)
 17 (20 U.S.C. 1411(f)) is amended—

18 (1) in paragraph (1)—

19 (A) by striking “for these children” and
 20 inserting “for children with disabilities aged 3
 21 through 21, who are enrolled in programs affili-
 22 ated with the BIA”;

23 (B) by striking “aggregate amounts avail-
 24 able for all States under this section for that
 25 fiscal year” and inserting “amount appro-

1 pried under subsection (h) for that fiscal
2 year”;

3 (2) in paragraph (3)—

4 (A) by striking “an application that—”
5 and inserting “information that—”;

6 (B) in subparagraph (A), to read as fol-
7 lows:

8 “(A) demonstrates that the Department of the
9 Interior meets the appropriate requirements, as de-
10 termined by the Secretary of Education, of sections
11 612 (including monitoring and evaluation activities)
12 and 613”;

13 (C) in subparagraph (D), by striking “sec-
14 tion 618(b)(1)” and all that follows through
15 “required in section 618(g)” and inserting “sec-
16 tion 618”;

17 (D) in subparagraph (E), by striking “an
18 assurance that, by October 1, 1992, the Sec-
19 retary of the Interior and the Secretary of
20 Health and Human Services” and all that fol-
21 lows through “memorandum of agreement” and
22 inserting “information that describes activities
23 undertaken with regard to the memorandum of
24 agreement between the Secretaries of Interior
25 and Health and Human Services”; and

1 (E) in subparagraph (F)—

2 (i) by striking “its exercise of” and
3 inserting “the Department of Edu-
4 cation’s”;

5 (ii) by striking “of this application”
6 and inserting “related to information sub-
7 mitted to the Secretary of Education under
8 this paragraph”; and

9 (iii) by striking “its duties” and in-
10 sserting “the duties of the Department of
11 the Interior”;

12 (3) in the matter immediately following para-
13 graph (3)(F), by striking “application.” and insert-
14 ing “information. The Secretary of the Interior shall
15 submit annually to the Secretary of Education a re-
16 port that provides a status on the activities as de-
17 scribed in subparagraphs (A) through (F) that the
18 Secretary of the Interior is carrying out.”;

19 (4) in paragraph (4)—

20 (A) in subparagraph (A)—

21 (i) by striking “Beginning with” and
22 all that follows through “under section
23 611(a) for fiscal year 1992,” and inserting
24 “With funds appropriated under subsection
25 (h),”;

1 (ii) by striking “aggregate amounts
2 available for all States under this section”
3 and inserting “amount appropriated under
4 subsection (h)”; and

5 (B) in subparagraph (B), to read as fol-
6 lows:

7 “(B) The Secretary of the Interior shall distribute the
8 total amount of the 0.25 percent under subparagraph (A)
9 by allocating to each tribe or tribal organization an
10 amount based on the number of children with disabilities,
11 aged 3 through 5, residing on reservations as reported an-
12 nually divided by the total of such children served by all
13 tribes or tribal organizations.”;

14 (C) in subparagraph (D)—

15 (i) by striking “is encouraged to” and
16 inserting “shall”;

17 (ii) by striking “The above entities”
18 and inserting “The tribe and tribal organi-
19 zation”; and

20 (iii) by striking “diagnosis.” and in-
21 serting “diagnosis of the children”;

22 (D) in subparagraph (E)—

23 (i) by striking “a biennial report” and
24 inserting “an annual report”;

1 (ii) by striking “following the one in
2 which” and inserting “following the year in
3 which”;

4 (iii) by striking “a biennial basis” and
5 inserting “an annual basis”; and

6 (iv) by striking “under this sub-
7 section” and inserting “under paragraph
8 (3) of this subsection”;

9 (E) in subparagraph (F)—

10 (i) by striking “(where appropriate,
11 intermediate educational units)”;

12 (ii) by striking “its divisions and of-
13 fices” and inserting “any appropriate divi-
14 sion or office of the Department of the In-
15 terior”;

16 (5) in paragraph (5)—

17 (A) by striking “January 1, 1992” and in-
18 serting “June 1, 1997”;

19 (B) by striking “Committee on Education
20 and Labor” and inserting “Chairman of the
21 Committee on Economic and Educational Op-
22 portunities”;

23 (C) by striking “Committee on Labor” and
24 inserting “Chairman of the Committee on
25 Labor”;

1 (D) by striking “interested and involved
 2 parties” and inserting “interested and involved
 3 parties, including parents of Indian children
 4 with disabilities”; and

5 (E) by striking “interested parties” and in-
 6 serting “interested agencies, organizations, or
 7 individuals”; and

8 (6) in paragraph (6)—

9 (A) by striking “sections 613(a)(12) of
 10 this Act” and inserting “section 612(a)(20”;

11 (B) by striking “, within 6 months” and
 12 all that follows through “Bureau of Indian Af-
 13 fairs (BIA),”;

14 (C) in subparagraph (A), by striking “in-
 15 fants, toddlers, children, and youth” and insert-
 16 ing “infants and toddlers and children”;

17 (D) in subparagraph (D), by striking
 18 “and;” and inserting a semicolon;

19 (E) in subparagraph (E), by striking the
 20 period at the end thereof and inserting “and;”;
 21 and

22 (F) by adding at the end thereof the fol-
 23 lowing new subparagraph:

24 “(F) prepare a status report on the educational
 25 and transitional results for Indian children with dis-

1 abilities, to be submitted to the Secretary of the In-
 2 terior on January 2, 1997.”.

3 (e) REPORTING DATES FOR FUNDING ESTIMATES.—

4 Section 611(g) (20 U.S.C. 1411(g)) is amended—

5 (1) in paragraph (1)(C)(i), by striking “and in-
 6 termediate educational units”; and

7 (2) in paragraph (2)—

8 (A) in subparagraph (A), by striking “or
 9 intermediate educational unit”; and

10 (B) in subparagraph (B)—

11 (i) by striking “and intermediate edu-
 12 cational units” each place it appears; and

13 (ii) by striking “or unit” each place it
 14 appears.

15 **SEC. 202. STATE ELIGIBILITY.**

16 Section 612 (20 U.S.C. 1412) is amended to read as
 17 follows:

18 **“SEC. 612. STATE ELIGIBILITY.**

19 “(a) IN GENERAL.—A State is eligible for assistance
 20 under this part for any fiscal year if the State dem-
 21 onstrates to the satisfaction of the Secretary that the
 22 State has in effect policies and procedures to ensure that
 23 the State meets each of the following conditions:

24 “(1) FREE APPROPRIATE PUBLIC EDU-
 25 CATION.—

1 “(A) IN GENERAL.—A free appropriate
2 public education is available to all children with
3 disabilities aged 3 through 21 who are residing
4 in the State.

5 “(B) APPLICABILITY.—Subparagraph (A)
6 does not apply with respect to children aged 3
7 through 5 and 18 through 21 in a State to the
8 extent that the application of such subpara-
9 graph to such children would be inconsistent
10 with the State law or practice, or the order of
11 any court, respecting the provision of public
12 education to children in such age ranges.

13 “(2) FULL EDUCATIONAL OPPORTUNITY
14 GOAL.—The State has established a goal of provid-
15 ing full educational opportunity to all children with
16 disabilities and a detailed timetable for accomplish-
17 ing the goal.

18 “(3) CHILD FIND.—

19 “(A) IN GENERAL.—All children with dis-
20 abilities residing in the State are identified, lo-
21 cated, and evaluated, regardless of the severity
22 of the disability of the children.

23 “(B) CONSTRUCTION.—Nothing in this
24 Act requires that children be classified by their
25 disability provided that each child who has a

1 disability listed in section 602(a)(4)(i) and who,
 2 by reason of that disability, needs special edu-
 3 cation and related services is regarded as a
 4 child with a disability under this part.

5 “(4) INDIVIDUALIZED EDUCATION PROGRAM.—

6 An individualized education program (or an individ-
 7 ualized family service plan that meets the content
 8 requirements of section 677(d)) is developed, re-
 9 viewed, and revised in accordance with subsections
 10 (d) through (j) of section 614.

11 “(5) LEAST RESTRICTIVE ENVIRONMENT.—

12 “(A) IN GENERAL.—To the maximum ex-
 13 tent appropriate, children with disabilities (in-
 14 cluding children in public or private institutions
 15 or other care facilities) are educated with chil-
 16 dren who are not disabled, and special classes,
 17 separate schooling, or other removal of children
 18 with disabilities from the regular educational
 19 environment occurs only when the nature or se-
 20 verity of a child’s disability is such that edu-
 21 cation in regular classes with the use of special
 22 education and related services and supple-
 23 mentary aids and services cannot be achieved
 24 satisfactorily.

25 “(B) FUNDING.—

1 “(i) IN GENERAL.—If the State uses a
2 funding mechanism by which the State dis-
3 tributes State funds on the basis of the
4 type of setting in which a child is served,
5 the funding mechanism does not result in
6 placements that violate the requirements of
7 subparagraph (A).

8 “(ii) ASSURANCE.—If the State does
9 not have policies and procedures to ensure
10 compliance with clause (i), the State shall
11 provide the Secretary an assurance that
12 the State will revise the funding mecha-
13 nism used by the State as soon as feasible
14 to ensure that the funding mechanism does
15 not result in such placements.

16 “(C) DISPROPORTIONALITY.—

17 “(i) IN GENERAL.—Data are exam-
18 ined by the State educational agency to de-
19 termine if significant racial
20 disproportionality is occurring in the iden-
21 tification of children as children with dis-
22 abilities (including the classification of
23 such children according to a particular im-
24 pairment described in section 602(a)(4)) or

1 in the placement of such children in par-
2 ticular types of settings.

3 “(ii) REVIEW AND REVISION OF POLI-
4 CIES.—In the case of an occurrence de-
5 scribed in clause (i), the placement and
6 evaluation policies, procedures, and prac-
7 tices are reviewed and, if appropriate, re-
8 vised, to ensure that such policies, proce-
9 dures, and practices comply with the re-
10 quirements of this Act.

11 “(6) PROCEDURAL SAFEGUARDS.—Children
12 with disabilities and their parents are afforded the
13 procedural safeguards required by section 615.

14 “(7) EVALUATION.—Children with disabilities
15 are evaluated in accordance with subsections (a)
16 through (c) of section 614.

17 “(8) CONFIDENTIALITY.—Agencies in the State
18 comply with section 617(c), relating to the confiden-
19 tiality of records and information.

20 “(9) TRANSITION FROM PART H TO PRESCHOOL
21 PROGRAMS.—

22 “(A) IN GENERAL.—Children who are par-
23 ticipating in early intervention programs under
24 part H and who will participate in preschool
25 programs assisted under this part, are provided

1 an effective transition to such preschool pro-
2 grams.

3 “(B) TRANSITION PLANNING.—Local edu-
4 cational agency personnel will participate in
5 transition planning conferences convened by a
6 designated or established lead agency under
7 section 678(a)(8)(A)(ii)(II).

8 “(C) INDIVIDUALIZED EDUCATION PRO-
9 GRAM; INDIVIDUALIZED FAMILY SERVICE
10 PLAN.—By the third birthday of a child who
11 participates in the programs described in sub-
12 paragraph (A), an individualized education pro-
13 gram or, if consistent with section 614(d)(1)(B)
14 or 677(d), an individualized family service plan,
15 has been developed and is being implemented.

16 “(10) CHILDREN IN PRIVATE SCHOOLS.—

17 “(A) CHILDREN PLACED IN PRIVATE
18 SCHOOLS BY THEIR PARENTS.—To the extent
19 consistent with the number and location of chil-
20 dren with disabilities in the State who are en-
21 rolled by their parents in private elementary
22 and secondary schools, provision is made for the
23 participation of such children in the program
24 assisted or carried out under this part by pro-

1 viding for such children special education and
2 related services.

3 “(B) CHILDREN PLACED IN, OR REFERRED
4 TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

5 “(i) IN GENERAL.—Children with dis-
6 abilities in private schools and facilities are
7 provided special education and related
8 services, in accordance with individualized
9 education programs, at no cost to their
10 parents, if such children are placed in, or
11 referred to, such schools or facilities by the
12 State or a local educational agency in
13 order to comply with this part or with any
14 other law requiring the provision of special
15 education and related services to all chil-
16 dren with disabilities in the State.

17 “(ii) STANDARDS.—In all cases de-
18 scribed in clause (i), children with disabil-
19 ities are placed in, or referred to, only pri-
20 vate schools and facilities that meet stand-
21 ards that apply to State and local edu-
22 cational agencies, and children with dis-
23 abilities served in such schools and facili-
24 ties have all the rights such children would
25 have if served by such agencies.

1 “(C) PAYMENT FOR EDUCATION OF CHIL-
2 DREN PLACED IN PRIVATE SCHOOLS WITHOUT
3 CONSENT OF OR REFERRAL BY THE PUBLIC
4 AGENCY.—If as a result of mediation described
5 in section 615(d), or as a result of a decision
6 rendered under the procedural safeguards of
7 section 615, the parents of a child with a dis-
8 ability who previously received special education
9 and related services under the authority of a
10 local educational agency enroll their child in a
11 private elementary or secondary school without
12 the consent of, or a referral by the local edu-
13 cational agency, the local educational agency
14 may be required to reimburse the parents for
15 the cost of the enrollment. The amount of the
16 reimbursement may be reduced or denied—

17 “(i) if, prior to the removal of the
18 child from the public school, the parents do
19 not provide a statement to the local edu-
20 cational agency rejecting the placement
21 proposed by the local educational agency;
22 or

23 “(ii) upon a judicial finding of
24 unreasonableness with respect to actions
25 taken by the parents.

1 “(11) SEA RESPONSIBLE FOR GENERAL SU-
2 PERVISION.—

3 “(A) IN GENERAL.—The State educational
4 agency is responsible for ensuring the following:

5 “(i) REQUIREMENTS.—The require-
6 ments of this part are carried out.

7 “(ii) EDUCATIONAL PROGRAMS.—All
8 educational programs for children with dis-
9 abilities in the State, including all such
10 programs administered by any other State
11 or local agency, are under the general su-
12 pervision of the persons in the State edu-
13 cational agency who are responsible for
14 educational programs for children with dis-
15 abilities and meet educational standards of
16 the State educational agency.

17 “(B) SPECIAL RULE.—Subparagraph (A)
18 shall not be construed as limiting the obliga-
19 tions of agencies other than educational agen-
20 cies to provide, or pay for some or all of the
21 costs of, a free appropriate public education for
22 any child with a disability in the State.

23 “(12) OBLIGATIONS RELATED TO AND METH-
24 ODS OF ENSURING SERVICES.—

1 “(A) IN GENERAL.—If any public agency
2 other than an educational agency is responsible
3 for providing or paying for the services (such as
4 mental health services, transition services, and
5 health services) that are also necessary for en-
6 suring a free appropriate public education to
7 children with disabilities within the State, such
8 public agency shall pay for, or provide directly
9 or through contract or other arrangement, such
10 services to children with disabilities. In a case
11 in which a local educational agency provides
12 such services to such children, as a result of a
13 contract or other arrangement with a public
14 agency described in this subparagraph, the local
15 educational agency may seek reimbursement
16 from such public agency for the services pro-
17 vided.

18 “(B) INTERAGENCY AGREEMENT OR
19 OTHER MECHANISM.—Each State shall ensure
20 that an interagency agreement or other mecha-
21 nism for interagency coordination is in effect
22 between each public agency described in sub-
23 paragraph (A) and the appropriate educational
24 agency within the State, in order to ensure that

1 all required services are provided. Such agree-
2 ment or mechanism shall include the following:

3 “(i) AGENCY FINANCIAL RESPON-
4 SIBILITY.—An identification of, or a meth-
5 od for defining, the financial responsibility
6 of each agency for providing a free appro-
7 priate public education to children with
8 disabilities.

9 “(ii) CONDITIONS AND TERMS OF RE-
10 IMBURSEMENT.—The conditions and terms
11 of reimbursement under which a local edu-
12 cational agency may be reimbursed by
13 other agencies.

14 “(iii) INTERAGENCY DISPUTES.—Pro-
15 cedures for resolving interagency disputes
16 (including procedures under which local
17 educational agencies may initiate proceed-
18 ings) under the agreement or other mecha-
19 nism to secure reimbursement from other
20 agencies or otherwise implement the provi-
21 sions of the agreement.

22 “(iv) COORDINATION OF SERVICES
23 PROCEDURES.—Procedures for agencies to
24 determine and identify the interagency co-

1 ordination responsibilities of each agency
 2 with respect to the provision of services.

3 “(C) SPECIAL RULE.—The requirements of
 4 subparagraph (B) may be met through—

5 “(i) State statute or regulation;

6 “(ii) signed agreements between re-
 7 spective agency officials; or

8 “(iii) other appropriate methods.

9 “(13) LOCAL EDUCATIONAL AGENCY ELIGI-
 10 BILITY.—The State educational agency will not
 11 make a final determination that a local educational
 12 agency is not eligible under this part without first
 13 affording the local educational agency reasonable no-
 14 tice and an opportunity for a hearing.

15 “(14) COMPREHENSIVE SYSTEM OF PERSONNEL
 16 DEVELOPMENT.—The State has in effect, consistent
 17 with the purposes of this Act and with section
 18 676(b)(8), a comprehensive system of personnel de-
 19 velopment that is designed to ensure an adequate
 20 supply of qualified special education and related
 21 services personnel necessary to carry out this part
 22 and that includes the following:

23 “(A) STATEWIDE DATA.—Statewide data
 24 that include the number of personnel providing
 25 special education and related services, and of

1 that number, the number of individuals with
 2 temporary certification, and the number of va-
 3 cancies.

4 “(B) PERSONNEL DEVELOPMENT PLAN.—
 5 A personnel development plan that meets the
 6 following requirements:

7 “(i) CONSULTATIONS.—The plan is
 8 developed in consultation with parents of
 9 children with disabilities, State and local
 10 educational agencies, institutions of higher
 11 education, and professional associations.

12 “(ii) PERSONNEL.—The plan address-
 13 es or includes the following:

14 “(I) PERSONNEL NEEDS.—The
 15 current and projected needs for spe-
 16 cial education and related services
 17 personnel throughout the State.

18 “(II) SERVICE PREPARATION OF
 19 PERSONNEL.—The plan addresses the
 20 need for the preservice and inservice
 21 preparation of personnel throughout
 22 the State, including regular education
 23 personnel, to provide educational and
 24 related services to children with dis-
 25 abilities.

1 “(III) RECRUITMENT.—The plan
2 includes a system or procedures for
3 recruiting, preparing, and retaining
4 qualified personnel, including person-
5 nel with disabilities and personnel
6 from groups that are
7 underrepresented in the field of spe-
8 cial education and related services.

9 “(IV) INTEGRATION WITH OTHER
10 PLANS.—The plan is integrated, to
11 the maximum extent possible, with
12 other professional development plans
13 and activities, including plans and ac-
14 tivities developed or carried out under
15 other Federal law and State law that
16 address personnel recruitment and
17 training.

18 “(iii) REVISION.—The plan is revised
19 every 3 years.

20 “(15) PERSONNEL STANDARDS.—The State
21 educational agency has established policies and pro-
22 cedures relating to the establishment and mainte-
23 nance of standards to ensure that personnel nec-
24 essary to carry out the purposes of this part are ap-

1 appropriately and adequately prepared and trained, in-
2 cluding the following:

3 “(A) STANDARDS.—The establishment and
4 maintenance of standards that are consistent
5 with any State approved or recognized certifi-
6 cation, licensing, registration, or other com-
7 parable requirements that apply to the area in
8 which such personnel are providing special edu-
9 cation or related services.

10 “(B) RETRAINING AND HIRING.—To the
11 extent such standards described in subpara-
12 graph (A) are not based on the highest require-
13 ments in the State applicable to a specific pro-
14 fession or discipline, the State is carrying out
15 measures to require the retraining or hiring of
16 personnel that meet appropriate professional re-
17 quirements in the State.

18 “(C) USE OF PARAPROFESSIONAL.—Noth-
19 ing in this Act, including subparagraphs (A)
20 and (B) of this paragraph, prohibits the use of
21 paraprofessionals who are appropriately trained
22 and supervised, in meeting the requirements of
23 this part.

24 “(16) PERFORMANCE GOALS AND INDICA-
25 TORS.—

1 “(A) GOALS.—The State has established
2 goals for the performance of children with dis-
3 abilities in the State that are consistent with
4 the purposes of section 601(c)(1) and that are
5 consistent, to the maximum extent appropriate,
6 with other goals and standards established by
7 the State.

8 “(B) PERFORMANCE INDICATORS.—The
9 State has established performance indicators
10 that the State will use to assess the progress to-
11 ward achieving the goals described in subpara-
12 graph (A) and that, at a minimum, address the
13 performance of children with disabilities on as-
14 sessments and the dropout rates and gradua-
15 tion rates of such children.

16 “(C) REPORT.—The State will report every
17 2 years to the Secretary and the public on the
18 progress of the State, and of children with dis-
19 abilities in the State, toward meeting the goals
20 established under subparagraph (A).

21 “(17) PARTICIPATION IN ASSESSMENTS.—

22 “(A) ASSESSMENTS.—

23 “(i) STATE AND DISTRICTWIDE AS-
24 SESSMENTS.—Children with disabilities are
25 included in general State and districtwide

1 assessment programs, with appropriate ac-
2 commodations, where necessary.

3 “(ii) ALTERNATE ASSESSMENTS.—

4 The State educational agency or local edu-
5 cational agency, as appropriate, will de-
6 velop guidelines for the participation of
7 children with disabilities in alternate as-
8 sessments for such children who cannot
9 participate in State and districtwide as-
10 sessment programs and as soon as feasible,
11 but not later than July 1, 1999, will con-
12 duct such alternate assessments.

13 “(B) PUBLIC INFORMATION.—The State

14 educational agency shall, as soon as feasible,
15 but not later than July 1, 2000, make reports
16 to the public, with the same frequency and in
17 the same detail as the State makes reports on
18 the assessment of nondisabled children, on the
19 following information with respect children with
20 disabilities:

21 “(i) REGULAR ASSESSMENTS.—The

22 number of children with disabilities partici-
23 pating in regular assessments.

1 “(ii) ALTERNATE ASSESSMENTS.—

2 The number of such children participating
3 in alternate assessments.

4 “(iii) PERFORMANCE.—The perform-
5 ance of children with disabilities on regular
6 assessments and on alternate assessments
7 when doing so meets generally accepted
8 professional standards and would not re-
9 sult in the disclosure of performance re-
10 sults identifiable to individual children.

11 “(18) USE OF FUNDS.—

12 “(A) IN GENERAL.—

13 “(i) EXPENDITURES.—Funds paid to
14 the State under this part will be expended
15 in accordance with all provisions of this
16 part.

17 “(ii) NONCOMMINGLING.—The funds
18 described in clause (i) will not be commin-
19 gled with State funds.

20 “(iii) SUPPLEMENT—NOT SUP-
21 PLANT.—Except as provided in subpara-
22 graph (B), the funds described in clause (i)
23 will be used to supplement State, local, and
24 other Federal funds (including funds not
25 under the direct control of State or local

1 educational agencies) expended for special
2 education and related services, and not to
3 supplant such funds.

4 “(B) WAIVER.—The Secretary may waive,
5 in part, the requirements of clause (iii) of sub-
6 paragraph (A) if the Secretary determines that
7 the State has provided clear and convincing evi-
8 dence that all children with disabilities in the
9 State have available a free appropriate public
10 education.

11 “(19) PUBLIC PARTICIPATION.—Prior to the
12 adoption of any policies and procedures needed to
13 comply with this section (including any amendments
14 to such policies and procedures), there are public
15 hearings, adequate notice of the hearings, and an
16 opportunity for comment available to the general
17 public, including individuals with disabilities and
18 parents of children with disabilities. In a case in
19 which policies and procedures have been developed
20 by a State educational agency or through a State
21 legislative hearing and comment process that pro-
22 vides an opportunity for comment by the general
23 public prior to the adoption of any policies and pro-
24 cedures by the State, no further public review or
25 public comment period is required.

1 “(20) STATE ADVISORY PANEL.—

2 “(A) IN GENERAL.—The State has an ad-
3 visory panel, appointed by the Governor or any
4 other official authorized under State law to
5 make such appointments, that is representative
6 of the State population and that is composed of
7 individuals involved in, or concerned with, the
8 education of children with disabilities, including
9 the following:

10 “(i) Parents of children with disabil-
11 ities.

12 “(ii) Individuals with disabilities.

13 “(iii) Teachers.

14 “(iv) Representatives of institutions of
15 higher education that prepare special edu-
16 cation and related services personnel.

17 “(v) State and local education offi-
18 cials.

19 “(vi) Administrators of programs for
20 children with disabilities.

21 “(vii) Representatives of other State
22 agencies involved in the financing or deliv-
23 ery of related services to children with dis-
24 abilities.

1 “(viii) At least one representative of a
2 vocational, community, or business organi-
3 zation concerned with the provision of
4 transition services to children with disabil-
5 ities.

6 “(ix) Any other individual, as deter-
7 mined by the State educational agency.

8 “(B) DUTIES.—The advisory panel shall
9 carry out the following duties:

10 “(i) Advise the State educational
11 agency of unmet needs within the State in
12 the education of children with disabilities.

13 “(ii) Comment publicly on any rules
14 or regulations proposed by the State re-
15 garding the following:

16 “(I) The education of children
17 with disabilities.

18 “(II) The procedures for dis-
19 tribution of funds received by the
20 State under this part.

21 “(iii) Advise the State educational
22 agency with respect to developing evalua-
23 tions and reporting on data to the Sec-
24 retary under section 618.

1 “(iv) Advise the State educational
2 agency with respect to developing correc-
3 tive action plans to address findings identi-
4 fied in Federal monitoring reports under
5 this part.

6 “(v) Advise the State educational
7 agency with respect to developing and im-
8 plementing policies relating to the coordi-
9 nation of services for children with disabil-
10 ities.

11 “(C) CONSOLIDATION OF PANELS.—Any
12 State panel that meets the requirement of sec-
13 tion 306 of the Goals 2000: Educate America
14 Act (20 U.S.C. 5886), or any committee of
15 practitioners created under section 1603(b) of
16 the Elementary and Secondary Education Act
17 of 1965 (20 U.S.C. 6513(b)), may also serve as
18 the State Advisory panel under this part if such
19 State panel or committee meets the require-
20 ments of this part.

21 “(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF
22 SERVICES.—If the State educational agency provides free
23 appropriate public education to children with disabilities,
24 or provides such children direct services, the State edu-
25 cational agency—

1 “(1) shall comply with any additional require-
 2 ments of section 613(a) as if the State educational
 3 agency were a local educational agency; and

4 “(2) may use funds that are otherwise available
 5 to the State educational agency under this part to
 6 serve such children without regard to section
 7 613(a)(3)(B) relating to excess costs.

8 “(c) SUBMISSION OF ELIGIBILITY INFORMATION.—

9 “(1) SUBMISSION OF INFORMATION.—Except as
 10 provided in paragraph (2), a State that wishes to es-
 11 tablish its eligibility under this section shall submit
 12 to the Secretary such information as the Secretary
 13 may reasonably require.

14 “(2) EXISTING INFORMATION ON POLICIES AND
 15 PROCEDURES.—If a State has on file with the Sec-
 16 retary policies and procedures that demonstrate that
 17 the State meets any requirement of this section, in-
 18 cluding any policies and procedures filed under this
 19 part as in effect prior to the enactment of the Indi-
 20 viduals with Disabilities Education Act Amendments
 21 of 1996, the Secretary shall consider the State as
 22 meeting that requirement.

23 “(3) MODIFICATIONS OF POLICIES AND PROCE-
 24 DURES.—The Secretary may require a State to sub-
 25 mit additional eligibility information if the State

1 modifies the policies and procedures that the State
2 has filed with the Secretary consistent with para-
3 graphs (1) and (2).

4 “(d) SECRETARIAL APPROVAL.—

5 “(1) IN GENERAL.—If the Secretary determines
6 that a State is eligible under this section, the Sec-
7 retary shall notify the State of the determination.

8 “(2) LIMITATIONS.—The Secretary shall make
9 a final determination that a State is not eligible
10 under this section only after providing the State—

11 “(A) reasonable notice; and

12 “(B) an opportunity for a hearing.

13 “(e) ASSISTANCE UNDER OTHER FEDERAL PRO-
14 GRAMS.—Nothing in this Act permits a State to reduce
15 medical and other assistance available, or to alter eligi-
16 bility, under titles V and XIX of the Social Security Act
17 with respect to the provision of a free appropriate public
18 education for children with disabilities within the State.

19 “(f) BYPASS FOR CHILDREN IN PRIVATE
20 SCHOOLS.—

21 “(1) IN GENERAL.—If, on the date of enact-
22 ment of the Education of the Handicapped Act
23 Amendments of 1983, a State educational agency is
24 prohibited by law from providing for the participa-
25 tion in special programs of children with disabilities

1 enrolled in private elementary and secondary schools
2 as required by subsection (a)(10)(A), the Secretary
3 shall waive such requirement, and shall arrange for
4 the provision of services to such children through ar-
5 rangements that shall be subject to the requirements
6 of subsection (a)(10)(A).

7 “(2) FUNDING.—

8 “(A) IN GENERAL.—When the Secretary
9 arranges for services pursuant to this sub-
10 section, the Secretary, after consultation with
11 the appropriate public and private school offi-
12 cials, shall pay to the provider of such services
13 an amount per child that does not exceed the
14 amount determined by dividing—

15 “(i) the total amount received by the
16 State under this part; by

17 “(ii) the number of children with dis-
18 abilities served by the State in the preced-
19 ing year as reported to the Secretary under
20 section 618.

21 “(B) WITHHOLDING OF FUNDS.—Pending
22 final resolution of any investigation or com-
23 plaint that could result in a determination
24 under this subsection that the State is prohib-
25 ited from complying with subsection (a)(10)(A)

by State law, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

“(C) DETERMINATIONS BY THE SECRETARY.—Any determination by the Secretary under this subsection shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(10)(A).

“(3) FINAL ACTION.—

“(A) OBJECTIONS.—The Secretary may not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary’s designee to show cause why such action should not be taken.

“(B) PETITION FOR REVIEW.—If a State educational agency is dissatisfied with the Secretary’s final action after a proceeding under

1 subparagraph (A), the State educational agency
2 may, within 60 days after notice of such action,
3 file with the United States court of appeals for
4 the circuit in which such State is located a peti-
5 tion for review of that action. A copy of the pe-
6 tition shall be forthwith transmitted by the
7 clerk of the court to the Secretary. The Sec-
8 retary thereupon shall file in the court the
9 record of the proceedings on which the Sec-
10 retary based the Secretary's action, as provided
11 in section 2112 of title 28, United States Code.

12 “(C) FINDINGS.—The findings of fact by
13 the Secretary, if supported by substantial evi-
14 dence, shall be conclusive, but the court, for
15 good cause shown, may remand the case to the
16 Secretary to take further evidence. The Sec-
17 retary may thereupon make new or modified
18 findings of fact and may modify the Secretary's
19 previous action, and shall file in the court the
20 record of the further proceedings. Such new or
21 modified findings of fact shall likewise be con-
22 clusive if supported by substantial evidence.

23 “(D) COURT'S ACTION.—Upon the filing of
24 a petition under subparagraph (B), the court
25 shall have jurisdiction to affirm the action of

the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.”.

SEC. 203. LOCAL EDUCATIONAL AND STATE AGENCY ELIGIBILITY.

Section 613 (20 U.S.C. 1413) is amended to read as follows:

“SEC. 613. LOCAL EDUCATIONAL AGENCY AND STATE AGENCY ELIGIBILITY.

“(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for any fiscal year if the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency meets each of the following conditions:

“(1) CONSISTENCY WITH STATE POLICIES.—

The local educational agency, in providing for the education of children with disabilities within the jurisdiction of the local educational agency, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612 with respect to the following:

1 “(A) The availability of a free appropriate
2 public education under section 612(a)(1).

3 “(B) The goal of providing full educational
4 opportunity to all children with disabilities
5 under section 612(a)(2).

6 “(C) The identification, location, and eval-
7 uation of children with disabilities under section
8 612(a)(3).

9 “(D) Individualized education programs
10 under section 612(a)(4).

11 “(E) Education of children in the least re-
12 strictive environment under section 612(a)(5).

13 “(F) Procedural safeguards under section
14 612(a)(6).

15 “(G) Evaluation under section 612(a)(7).

16 “(H) Confidentiality under section
17 612(a)(8).

18 “(I) Transition of children from early
19 intervention programs under part H to pre-
20 school programs under section 612(a)(9).

21 “(J) Children in private schools under sec-
22 tion 612(a)(10).

23 “(2) COMPREHENSIVE SYSTEM OF PERSONNEL
24 DEVELOPMENT.—The local educational agency, to
25 the extent appropriate, contributes to and uses the

1 State's comprehensive system of personnel develop-
2 ment established under section 612(a)(14).

3 “(3) USE OF FUNDS.—Funds provided to the
4 local educational agency under this part will be ex-
5 pended or used in the following manner:

6 “(A) EXPENDITURES.—Funds will be ex-
7 pended in accordance with the applicable provi-
8 sions of this part.

9 “(B) EXCESS COSTS.—Funds will be used
10 only to pay the excess costs of providing special
11 education and related services to children with
12 disabilities.

13 “(C) SUPPLEMENT—NOT SUPPLANT.—
14 Funds will be used to supplement State, local,
15 and other Federal funds and not to supplant
16 such funds.

17 “(D) LEVEL OF EXPENDITURES.—Except
18 as provided in subparagraph (E), funds will not
19 be used to reduce the level of expenditures for
20 the education of children with disabilities made
21 by the local educational agency from State or
22 local funds below the level of such expenditures
23 for the preceding fiscal year.

24 “(E) EXCEPTION.—Notwithstanding the
25 limitation in subparagraph (D), a local edu-

1 cational agency may reduce the level of expendi-
2 tures for the education of children with disabil-
3 ities if such reduction is the result of—

4 “(i) the voluntary departure, by re-
5 tirement or otherwise, of special education
6 personnel who are paid at or near the top
7 of the agency’s salary scale;

8 “(ii) decreases in enrollment of chil-
9 dren with disabilities;

10 “(iii) the end of the agency’s obliga-
11 tion, consistent with this part, to provide
12 an exceptionally costly program of special
13 education to a particular child with a dis-
14 ability because the child—

15 “(I) has left the agency’s juris-
16 diction;

17 “(II) has reached the age at
18 which the agency’s obligation to pro-
19 vide a free appropriate public edu-
20 cation to the child terminates; or

21 “(III) no longer needs the pro-
22 gram; or

23 “(iv) the termination of unusually
24 large expenditures for such long-term pur-

1 poses as the acquisition of equipment and
2 the construction of school facilities.

3 “(4) PERMISSIVE USE OF FUNDS.—Notwith-
4 standing paragraph (3)(B) or section
5 612(a)(18)(A)(ii) (relating to commingled funds),
6 funds provided to the local educational agency under
7 this part may be used for the following activities:

8 “(A) SERVICES AND AIDS THAT ALSO BEN-
9 EFIT NONDISABLED CHILDREN.—For the costs
10 of special education and related services and
11 supplementary aids and services provided in a
12 regular class to a child with a disability in ac-
13 cordance with the individualized education pro-
14 gram of the child, even if one or more non-
15 disabled children benefit from such services.

16 “(B) SERVICES AND AIDS THAT ALSO BEN-
17 EFIT OTHER DISABLED CHILDREN.—For the
18 costs of special education and related services
19 and supplementary aids and services provided
20 to a child with a disability in accordance with
21 the individualized education program of the
22 child, even if one or more children with disabil-
23 ities who are protected by section 504 of the
24 Rehabilitation Act of 1973 and title II of the

1 Americans with Disabilities Act of 1990 benefit
2 from such services.

3 “(C) INTEGRATED AND COORDINATED
4 SERVICES SYSTEM.—To develop and implement
5 a fully integrated and coordinated services sys-
6 tem in accordance with subsection (f).

7 “(D) SCHOOL-BASED IMPROVEMENT
8 PLAN.—To design, implement, and evaluate a
9 school-based improvement plan (in accordance
10 with subsection (g)) that is consistent with the
11 purposes and authorized activities of part C
12 and that is designed to improve educational and
13 transitional results for all children with disabil-
14 ities and, as appropriate, other children consist-
15 ent with subparagraphs (A) and (B).

16 “(b) SUBMISSION OF INFORMATION; PRIOR LOCAL
17 EDUCATIONAL AGENCY APPLICATIONS.—

18 “(1) SUBMISSION OF INFORMATION.—Except as
19 provided in paragraph (2), a local educational agen-
20 cy that desires to establish its eligibility under this
21 section shall submit to the State educational agency
22 information demonstrating that the local educational
23 agency meets the requirements of subsection (a).

24 “(2) EXISTING INFORMATION ON POLICIES AND
25 PROCEDURES.—If a local educational agency has on

1 file with the State educational agency policies and
 2 procedures that meet any requirement of this sec-
 3 tion, including any policies, procedures, or applica-
 4 tions filed under this part as in effect before the
 5 date of enactment of the Individuals with Disabil-
 6 ities Education Act Amendments of 1996, the State
 7 educational agency may consider the local edu-
 8 cational agency as meeting such requirement.

9 “(3) MODIFICATIONS OF POLICIES AND PROCE-
 10 DURES.—The State educational agency may require
 11 a local educational agency to submit additional eligi-
 12 bility information if the local educational agency
 13 modifies the policies and procedures that the local
 14 educational agency has filed with the Secretary con-
 15 sistent with paragraphs (1) and (2).

16 “(c) STATE EDUCATIONAL AGENCY APPROVAL.—

17 “(1) DETERMINATION.—

18 “(A) IN GENERAL.—If the State edu-
 19 cational agency determines that a local edu-
 20 cational agency or State agency under sub-
 21 section (i) is eligible under this section, the
 22 State educational agency shall notify the agency
 23 of the determination.

24 “(B) LIMITATION ON STATE NOTIFICA-
 25 TION.—A State educational agency may not

1 give the notice to an agency described under
 2 subparagraph (A) until the Secretary has noti-
 3 fied the State educational agency that the State
 4 is eligible under section 612.

5 “(2) LIMITATION ON FINAL DETERMINATION.—

6 The State educational agency may not make a final
 7 determination that a local educational agency or
 8 State agency under subsection (i) is not eligible
 9 under this section until after providing the local edu-
 10 cational or State agency—

11 “(A) reasonable notice; and

12 “(B) an opportunity for a hearing.

13 “(d) LOCAL EDUCATIONAL AGENCY AND STATE
 14 AGENCY COMPLIANCE.—

15 “(1) IN GENERAL.—If the State educational
 16 agency, after reasonable notice and an opportunity
 17 for a hearing, finds that a local educational agency
 18 or State agency under subsection (i) that has been
 19 found eligible under this section is not in compliance
 20 with any of the eligibility requirements described in
 21 subsection (a), the State educational agency shall
 22 make no further payments to the local educational
 23 agency or State agency under section 620 until the
 24 State educational agency has determined that the

1 agency is complying with the eligibility requirements
2 described in subsection (a).

3 “(2) NOTIFICATION OF PENDENCY OF AC-
4 TION.—Section 616(a) with respect to notification of
5 a pending action shall apply to any agency that re-
6 ceives a notice from the State educational agency
7 under this subsection.

8 “(3) ADVERSE DECISIONS.—In carrying out its
9 responsibilities under paragraph (1), the State edu-
10 cational agency shall consider any decision made in
11 a hearing held under section 615 that is adverse to
12 the local educational agency or State agency involved
13 in that decision.

14 “(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

15 “(1) IN GENERAL.—A local educational agency
16 may join with another local educational agency to
17 meet the eligibility requirements of this section if the
18 State educational agency determines that the local
19 educational agency would be ineligible under this
20 section because the local educational agency—

21 “(A) would not be able to establish and
22 maintain programs of sufficient size and scope
23 to effectively meet the needs of children with
24 disabilities; or

“(B) does not qualify for the minimum grant under section 611(d)(3)(A), if the State elects to use its authority under such section.

“(2) REQUIREMENTS.—

“(A) FUNDING.—If a State educational agency requires a local educational agency to join with another local educational agency to meet the eligibility requirements under paragraph (1), the total amount of funds made available to the affected local educational agencies shall equal the sum of the payments that each such local educational agency would have received under section 611(c) if such local agencies were eligible for such payments.

“(B) POLICIES AND PROCEDURES AND ADMINISTRATION OF PROGRAMS.—Local educational agencies that establish joint eligibility under this subsection shall—

“(i) adopt policies and procedures that are consistent with the State’s policies and procedures under section 612(a); and

“(ii) be jointly responsible for implementing programs receiving assistance under this part.

“(C) EDUCATIONAL SERVICE AGENCY.—

1 “(i) If an educational service agency
 2 is required by State law to carry out this
 3 part, the joint responsibilities given to local
 4 educational agencies under subparagraph
 5 (B)(ii) shall—

6 “(I) not apply to the administra-
 7 tion and disbursement of any pay-
 8 ments received by that service agency;
 9 and

10 “(II) be carried out only by that
 11 service agency.

12 “(ii) Nothing in this subsection re-
 13 lieves an educational service agency of its
 14 responsibility to provide for the education
 15 of children with disabilities in the least re-
 16 strictive environment, as required by sec-
 17 tion 612(a)(5) and subsection (a)(1)(E).

18 “(f) COORDINATED SERVICES SYSTEM.—

19 “(1) IN GENERAL.—A local educational agency
 20 may use not more than 5 percent of the amount the
 21 agency receives under this part for any fiscal year,
 22 in combination with other funds (which shall include
 23 funds other than education funds), to develop and
 24 implement a fully integrated and coordinated service
 25 system that links education, health, social welfare

1 services, support systems, private entities, and other
 2 community entities in a manner designed to improve
 3 educational and transitional results for all children
 4 and their families, including all children with disabili-
 5 ties and their families.

6 “(2) PERMISSIBLE ACTIVITIES.—Activities that
 7 a local educational agency may carry out under this
 8 subsection include—

9 “(A) improving the effectiveness and effi-
 10 ciency of service delivery, including developing
 11 strategies that promote accountability for the
 12 educational and transitional results;

13 “(B) service coordination and case man-
 14 agement that facilitate the linkage of individ-
 15 ualized education programs under this part and
 16 individualized family service plans under part H
 17 with individualized service plans under other
 18 Federal and State programs, such as title I of
 19 the Rehabilitation Act of 1973 (vocational reha-
 20 bilitation), title XIX of the Social Security Act
 21 (Medicaid), and title XVI of the Social Security
 22 Act (Supplemental Security Income);

23 “(C) developing and implementing inter-
 24 agency financing strategies for the provision of
 25 education, health, mental health, and social

1 services, including transition services and relat-
 2 ed services under this Act; and

3 “(D) interagency personnel development
 4 for the persons involved in the delivery of co-
 5 ordinated services.

6 “(3) LIMITATION ON USE OF FUNDS.—If a
 7 local educational agency is carrying out a coordi-
 8 nated services project under title XI of the Elemen-
 9 tary and Secondary Education Act of 1965 and a
 10 coordinated services project under this part in the
 11 same schools, the local educational agency shall use
 12 funds under this subsection in accordance with that
 13 title.

14 “(g) SCHOOL-BASED IMPROVEMENT PLAN.—

15 “(1) IN GENERAL.—Each local educational
 16 agency may, in accordance with paragraph (2), use
 17 funds made available under this part to permit a
 18 local school within the jurisdiction of the local edu-
 19 cational agency to design, implement, and evaluate
 20 a school-based improvement plan that is consistent
 21 with the purposes and authorized activities described
 22 in part C and that is designed to improve edu-
 23 cational and transitional results for all children with
 24 disabilities and, as appropriate, for other children

1 consistent with subsection (a)(4) (A) and (B) in
2 such local school.

3 “(2) AUTHORITY.—A State educational agency
4 may grant authority to a local educational agency to
5 permit a local school described in paragraph (1)
6 (through a school-based standing panel established
7 under paragraph (4)(B)) to design, implement, and
8 evaluate a school-based improvement plan described
9 in paragraph (1) for a period not to exceed 3 years.

10 “(3) PLAN REQUIREMENTS.—A school-based
11 improvement plan described in paragraph (1)
12 shall—

13 “(A) be designed to be consistent with the
14 purposes and authorized activities described in
15 part C and to improve educational and transi-
16 tional results for all children with disabilities
17 and, as appropriate, for other children consist-
18 ent with subsection (a)(4) (A) and (B), who at-
19 tend the school for which the plan is designed
20 and implemented;

21 “(B) be designed, evaluated, and, as ap-
22 propriate, implemented by a school-based stand-
23 ing panel established in accordance with para-
24 graph (4)(B);

1 “(C) include goals and measurable indica-
 2 tors to assess the progress of the local school in
 3 meeting such goals; and

4 “(D) ensure that all children with disabil-
 5 ities receive the same level of services in such
 6 school as required by the individualized edu-
 7 cation programs of such children.

8 “(4) RESPONSIBILITIES OF THE LOCAL EDU-
 9 CATIONAL AGENCY.—A local educational agency that
 10 is granted authority under paragraph (2) to permit
 11 a local school to design, implement, and evaluate a
 12 school-based improvement plan shall—

13 “(A) select each school under the jurisdic-
 14 tion of such agency that is eligible to design,
 15 implement, and evaluate such a plan;

16 “(B) require each school selected under
 17 subparagraph (A), in accordance with criteria
 18 established by such local educational agency
 19 under subparagraph (C), to establish a school-
 20 based standing panel to carry out the duties de-
 21 scribed in paragraph (3)(B);

22 “(C) establish—

23 “(i) criteria that shall be used by such
 24 local educational agency in the selection of
 25 an eligible school under subparagraph (A);

1 “(ii) criteria that shall be used by a
2 local school selected under subparagraph
3 (A) in the establishment a school-based
4 standing panel to carry out the duties de-
5 scribed in paragraph (3)(B) and that shall
6 ensure that the membership of such panel
7 reflects the diversity of the community and
8 includes, at a minimum—

9 “(I) parents of children with dis-
10 abilities who attend such local school,
11 including parents of children with dis-
12 abilities from unserved and under-
13 served populations, as appropriate;

14 “(II) special education and gen-
15 eral education teachers of such local
16 school;

17 “(III) special education and gen-
18 eral education administrators, or the
19 designee of such administrators, of
20 such local school; and

21 “(IV) special education and relat-
22 ed services providers who are respon-
23 sible for providing services to the chil-
24 dren with disabilities who attend such
25 local school; and

1 “(iii) criteria that shall be used by
2 such local educational agency with respect
3 to the distribution of funds under this part
4 to carry out this subsection;

5 “(D) disseminate the criteria established
6 under subparagraph (C) to local school district
7 personnel and local parent organizations within
8 the jurisdiction of such local educational agen-
9 cy;

10 “(E) require a local school that desires to
11 design, implement, and evaluate a school-based
12 improvement plan to submit an application at
13 such time, in such manner, and accompanied by
14 such information as such local educational
15 agency shall reasonably require; and

16 “(F) establish procedures for approval by
17 such local educational agency of a school-based
18 improvement plan designed under this sub-
19 section.

20 “(5) LIMITATION.—A school-based improve-
21 ment plan described in paragraph (1) may be sub-
22 mitted to a local educational agency for approval
23 only if a consensus with respect to any matter relat-
24 ing to the design, implementation, or evaluation of
25 such plan (including any matter relating to the goals

1 and measurable indicators included in such plan) is
2 reached by the school-based standing panel that de-
3 signed such plan.

4 “(6) ADDITIONAL REQUIREMENTS.—

5 “(A) PARENTAL INVOLVEMENT.—In carry-
6 ing out the requirements of this subsection, a
7 local educational agency shall ensure that the
8 parents of children with disabilities are involved
9 in the design, evaluation, and, where appro-
10 priate, implementation of school-based improve-
11 ment plans in accordance with this subsection.

12 “(B) PLAN APPROVAL.—A local edu-
13 cational agency may approve a school-based im-
14 provement plan of a local school within the ju-
15 risdiction of such agency for a period of 3
16 years, if—

17 “(i) the approval is consistent with
18 the policies, procedures, and practices es-
19 tablished by such local educational agency
20 and in accordance with this subsection;
21 and

22 “(ii) all members of the school-based
23 standing panel that designed such plan
24 agree in writing to such plan.

1 “(7) EXTENSION OF PLAN.—If a local school
 2 within the jurisdiction of a local educational agency
 3 meets the applicable requirements and criteria de-
 4 scribed in paragraphs (3) and (4) at the expiration
 5 of the 3-year approval period described in paragraph
 6 (6)(B), such agency may approve a school-based im-
 7 provement plan of such school for an additional 3-
 8 year period.

9 “(h) DIRECT SERVICES BY THE STATE EDU-
 10 CATIONAL AGENCY.—

11 “(1) IN GENERAL.—A State educational agency
 12 shall use the payments that would otherwise have
 13 been available to a local educational agency or to a
 14 State agency under subsection (i) to provide special
 15 education and related services directly to children
 16 with disabilities residing in the area served by that
 17 local agency, or for whom that State agency is re-
 18 sponsible, if the State educational agency determines
 19 that—

20 “(A) the local educational agency or the
 21 State agency—

22 “(i) has not provided the information
 23 needed to establish the eligibility of the
 24 local educational agency or the State agen-
 25 cy under this section; or

1 “(ii) is unable or unwilling to estab-
 2 lish and maintain programs of free appro-
 3 priate public education that meet the re-
 4 quirements of subsection (a) of this sec-
 5 tion; or

6 “(B) the local educational agency—

7 “(i) is unable or unwilling to be con-
 8 solidated with other local educational agen-
 9 cies in order to establish and maintain
 10 such programs; or

11 “(ii) has one or more children with
 12 disabilities who can best be served by a re-
 13 gional or State program or service delivery
 14 system designed to meet the needs of such
 15 children.

16 “(2) METHOD OF PROVISION OF SERVICES.—

17 The State educational agency may provide special
 18 education and related services under paragraph (1)
 19 in such manner and at such locations (including re-
 20 gional or State centers) as the State educational
 21 agency considers appropriate, so long as the edu-
 22 cation and services are provided in accordance with
 23 this part.

24 “(i) STATE AGENCY ELIGIBILITY.—Any State agency
 25 that received funds under section 614A (as such section

1 was in effect on the day preceding the date of enactment
 2 of the Individuals with Disabilities Education Act Amend-
 3 ments of 1996) and desires to receive a subgrant for any
 4 fiscal year under section 611(c) or 619(g) shall dem-
 5 onstrate to the satisfaction of the State educational agency
 6 that—

7 “(1) all children with disabilities who are par-
 8 ticipating in programs and projects funded under
 9 this part receive a free appropriate public education,
 10 and that the children and their parents are provided
 11 all the rights and procedural safeguards described in
 12 this part; and

13 “(2) the State agency meets such other condi-
 14 tions of this section as the Secretary finds appro-
 15 priate.

16 **SEC. 204. EVALUATIONS, INDIVIDUALIZED EDUCATION**
 17 **PROGRAMS, AND EDUCATIONAL PLACE-**
 18 **MENTS.**

19 Section 614 (20 U.S.C. 1414) is amended to read as
 20 follows:

21 **“SEC. 614. EVALUATIONS, INDIVIDUALIZED EDUCATION**
 22 **PROGRAMS, AND EDUCATIONAL PLACE-**
 23 **MENTS.**

24 “(a) IN GENERAL.—

25 “(1) INITIAL EVALUATIONS.—

1 “(A) IN GENERAL.—A local educational
2 agency shall conduct a comprehensive initial
3 evaluation, in accordance with this paragraph
4 and subsections (b) and (c), before the initial
5 provision of special education and related serv-
6 ices to a child with a disability.

7 “(B) PROCEDURES.—An initial evaluation
8 shall include procedures to—

9 “(i) determine whether a child is a
10 child with a disability as defined in section
11 602(a)(4); and

12 “(ii) determine the educational needs
13 of the child.

14 “(C) PARENTAL CONSENT.—

15 “(i) IN GENERAL.—A local edu-
16 cational agency proposing to conduct an
17 initial evaluation to determine if a child
18 qualifies as a child with a disability as de-
19 fined in section 602(a)(4) shall, prior to
20 the conduct of such evaluation, obtain in-
21 formed consent from the parents of the
22 child.

23 “(ii) REFUSAL.—If the parents of
24 such child refuse to consent to an evalua-
25 tion described in clause (i), a local edu-

1 cational agency may continue to pursue the
 2 evaluation by utilizing the mediation proce-
 3 dures under section 615(e) and due proc-
 4 ess procedures under section 615(f).

5 “(2) REEVALUATIONS.—

6 “(A) IN GENERAL.—A local educational
 7 agency shall ensure that a reevaluation of each
 8 child with a disability is conducted—

9 “(i) whenever the child’s parents or
 10 teacher, other school personnel, or other
 11 appropriate individuals, request the re-
 12 evaluation; and

13 “(ii) a natural transition point for the
 14 child following the child’s initial evaluation
 15 described under paragraph (1).

16 “(B) DEFINITION.—For the purpose of
 17 subparagraph (A), the term ‘natural transition
 18 point’ means the period that is close in time to
 19 the transition of a child with a disability—

20 “(ii) from preschool to elementary
 21 grades;

22 “(iii) from elementary grades to mid-
 23 dle or junior high school grades;

1 “(iv) from middle or junior high
2 school grades to high school grades (at
3 least every 3 years); and

4 “(v) from high school grades to
5 postschool activities.

6 “(C) CONDUCT OF REEVALUATION.—Each
7 reevaluation shall be conducted in accordance
8 with subsections (b) and (c).

9 “(b) EVALUATION PROCEDURES.—

10 “(1) IN GENERAL.—The local educational agen-
11 cy shall provide notice to the parents of a child with
12 a disability, in accordance with section 615 (b)(3),
13 (b)(4), and (c), that describes any evaluation proce-
14 dures the local educational agency proposes to con-
15 duct.

16 “(2) METHOD OF EVALUATION.—In conducting
17 the evaluation, the local educational agency shall—

18 “(A) use—

19 “(i) a variety of evaluation tools and
20 strategies to gather relevant functional and
21 developmental information (including eval-
22 uations and information provided by the
23 child’s parents) that may assist in deter-
24 mining whether the child is a child with a
25 disability; and

1 “(ii) the content of the individualized
 2 education program of the child, including
 3 information related to enabling the child to
 4 participate and achieve in the general cur-
 5 rriculum or, for a child who is in preschool,
 6 in developmentally appropriate activities;
 7 and

8 “(B) not use any single procedure as the
 9 sole criterion for determining—

10 “(i) whether a child is a child with a
 11 disability; or

12 “(ii) an appropriate educational pro-
 13 gram for the child.

14 “(3) EVALUATION TESTS AND MATERIALS.—

15 Each local educational agency shall ensure that—

16 “(A) tests and other evaluation materials
 17 used to assess a child under this section are—

18 “(i) selected and administered so as
 19 not to be racially or culturally discrimina-
 20 tory;

21 “(ii) provided and administered in the
 22 native language of the child or other mode
 23 of communication unless it is clearly not
 24 feasible to do so; and

1 “(iii) consistent with generally accept-
 2 ed professional standards for assessments;

3 “(B) any standardized tests that are given
 4 to the child—

5 “(i) have been validated for the spe-
 6 cific purpose for which the tests are used;

7 “(ii) are administered by trained per-
 8 sonnel; and

9 “(iii) are administered in accordance
 10 with any instructions provided by the pro-
 11 ducer of the tests.

12 “(4) SPECIAL RULE ON TESTS.—Tests shall
 13 provide relevant information that directly assists
 14 persons involved in providing services to a child with
 15 a disability in determining the educational needs of
 16 the child, including information with respect to in-
 17 structional strategies and content that should be re-
 18 flected in the individualized education program of
 19 such child.

20 “(c) ADDITIONAL REQUIREMENTS FOR EVALUA-
 21 TIONS AND REEVALUATIONS.—

22 “(1) REVIEW OF EXISTING EVALUATION
 23 DATA.—As part of an initial evaluation (if appro-
 24 priate) and as part of any reevaluation under this
 25 section, the following tasks shall be carried out:

1 “(A) A review of existing evaluation data
2 on the child, including evaluations and informa-
3 tion provided by the parents of the child, and
4 current classroom-based assessments and teach-
5 er observation.

6 “(B) On the basis of the review, the pro-
7 fessional judgment of appropriate individuals,
8 and the input from the parents of the child, an
9 identification of what additional data, if any,
10 are needed to determine the following:

11 “(i) Whether the child has a particu-
12 lar category of disability, as described in
13 section 602(a)(4)(A)(i), or, in the case of
14 a reevaluation of a child, whether the child
15 continues to have such a disability.

16 “(ii) The present levels of perform-
17 ance and educational needs of the child.

18 “(iii) Whether the child needs special
19 education and related services, or in the
20 case of a reevaluation of a child, whether
21 the child continues to need special edu-
22 cation and related services.

23 “(iv) Whether any additions or modi-
24 fications to the special education and relat-
25 ed services are needed to enable the child

1 to meet the objectives set out in the indi-
 2 vidualized education program of the child
 3 and to participate, as appropriate, in the
 4 general curriculum.

5 “(2) SOURCE OF DATA.—The local educational
 6 agency shall administer such tests and other evalua-
 7 tion materials as may be needed to produce the data
 8 identified under paragraph (1)(B).

9 “(3) ADDITIONAL DATA.—If it is determined by
 10 appropriate individuals based on their professional
 11 judgment, that no additional data are needed to de-
 12 termine whether the child is or continues to be a
 13 child with a disability, the local educational
 14 agency—

15 “(A) shall notify the parents of the child
 16 of—

17 “(i) the result of that determination
 18 and the reasons for the determination; and

19 “(ii) the right of the parents to re-
 20 quest an evaluation to determine whether
 21 the child is or continues to be a child with
 22 a disability; and

23 “(B) is not required to conduct the evalua-
 24 tion described in clause (ii) of subparagraph
 25 (A) unless requested by the parents.

1 “(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

2 “(1) IEP TO BE IN EFFECT AT THE BEGINNING
3 OF EACH SCHOOL YEAR.—

4 “(A) IN GENERAL.—At the beginning of
5 each school year, each local educational agency
6 shall have in effect an individualized education
7 program for each child with a disability within
8 its jurisdiction.

9 “(B) IEP FOR A CHILD AGED 3 THROUGH
10 5.—In the case of a child with a disability aged
11 3 through 5 (or, at the discretion of the State
12 educational agency, a 2-year-old child with dis-
13 abilities who will turn age 3 during the school
14 year), an IFSP that contains the material de-
15 scribed in section 677(d) and that is developed
16 in accordance with this section may serve as the
17 IEP of the child if using the plan as the IEP
18 is—

19 “(i) consistent with State policy; and

20 “(ii) agreed to by the agency and the
21 parents of the child.

22 “(2) IEP TEAM.—The IEP of each child shall
23 be developed in a meeting by a team (hereafter in
24 this section referred to as the ‘IEP team’), composed
25 of—

1 “(A) a representative of the local edu-
2 cational agency who is qualified to provide, or
3 supervise the provision of, specially designed in-
4 struction to meet the unique needs of children
5 with disabilities, and who is knowledgeable
6 about the general curriculum;

7 “(B) at least one special education pro-
8 vider who is knowledgeable about the disability
9 of the child, including, if appropriate, the spe-
10 cial education teacher of the child;

11 “(C) to the extent practicable, at least one
12 regular education teacher who knows the child
13 or is familiar with the curriculum of the child,
14 if the child is, or may be, participating in the
15 regular education environment;

16 “(D) the parents of the child;

17 “(E) whenever appropriate, the child;

18 “(F) an individual who is capable of inter-
19 preting the instructional implications of evalua-
20 tion results; and

21 “(G) other individuals, at the discretion of
22 the parents or the agency, including, as appro-
23 priate, related services personnel who are or will
24 be working with the child.

1 The team member described in subparagraph (F)
 2 may be an existing team member described in sub-
 3 paragraphs (A) through (C), if the existing team
 4 member is qualified to interpret the results described
 5 in subparagraph (F).

6 “(3) DEVELOPMENT OF THE IEP.—

7 “(A) IN GENERAL.—In developing each
 8 child’s IEP, the IEP team shall consider—

9 “(i) the strengths of the child and the
 10 concerns of the parents for enhancing the
 11 education of their child; and—

12 “(ii) the results of the initial evalua-
 13 tion or most recent reevaluation of the
 14 child.

15 “(B) CONSIDERATION OF SPECIAL FAC-
 16 TORS.—As appropriate, the IEP team shall—

17 “(i) in the case of a child whose be-
 18 havior impedes the learning of the child or
 19 that of others, consider strategies, includ-
 20 ing behavior management plans, to address
 21 that behavior;—

22 “(ii) in the case of a child with limited
 23 English proficiency, consider the language
 24 needs of the child as the needs relate to
 25 the child’s IEP;

1 “(iii) in the case of a child who is
 2 blind or visually impaired, consider wheth-
 3 er the child needs instruction in braille or
 4 in the use of braille;—

5 “(iv) in the case of a child who is deaf
 6 or hard of hearing, consider the commu-
 7 nication needs of the child, including op-
 8 portunities to communicate directly with
 9 other individuals;

10 “(v) in the case of a child with expres-
 11 sive or receptive language deficits, consider
 12 techniques to ensure that the child under-
 13 stands what is being spoken; and

14 “(vi) in the case of a child with sen-
 15 sory or motor communication, or physical
 16 impairment, consider the provision of
 17 assistive technology devices and services.

18 “(e) CONTENT OF IEP.—

19 “(1) IN GENERAL.—The IEP of each child with
 20 a disability shall include the following:

21 “(A) PRESENT LEVELS OF EDUCATIONAL
 22 PERFORMANCE.—A statement of the present
 23 levels of educational performance of the child,
 24 including how the disability of the child affects
 25 the progress of the child in meeting the stand-

ards of the general curriculum (or, for a pre-school child, as appropriate, how the disability of the child affects the progress of the child in developmentally appropriate activities related to transition to kindergarten and elementary school);

“(B) MEASURABLE ANNUAL OBJECTIVES.—A statement of measurable annual objectives related to meeting each of the educational needs of the child that result from the disability of the child, including objectives related to enabling the child to progress in meeting the standards of the general curriculum at the educationally appropriate level for the child.

“(C) SPECIAL EDUCATION AND RELATED SERVICES.—A statement of the special education and related services and supplementary aids and services to be provided to the child and any program modifications necessary for the child to attain the annual objectives, to progress in the general curriculum, to participate in extra-curricular and nonacademic activities and other educational activities, and to be educated and participate with nondisabled children in the activities described in this subparagraph.

1 “(D) EXTENT OF PARTICIPATION WITH
2 NONDISABLED CHILDREN.—An explanation of
3 the extent, if any, to which the child will not
4 participate with nondisabled children in the reg-
5 ular class and in the activities described in sub-
6 paragraph (C).

7 “(E) PARTICIPATION IN GENERAL ASSESS-
8 MENTS.—

9 “(i) MODIFICATIONS.—A statement of
10 any modifications in the administration of
11 State or districtwide assessments that are
12 needed in order for the child to participate
13 in the assessments.

14 “(ii) NONPARTICIPATION.—If a child
15 will not participate in a particular State or
16 districtwide assessment (or part of such
17 assessment), a statement of why the as-
18 sessment is not appropriate for the child
19 and how the child will be assessed.

20 “(F) PROJECTED DATES, FREQUENCY,
21 AND DURATION OF SERVICES.—The projected
22 date for the beginning of the services and pro-
23 gram modifications described in subparagraph
24 (C), and the anticipated frequency and duration
25 of such services and modifications.

1 “(G) INFORMATION ABOUT THE CHILD’S
2 PROGRESS.—A statement of how the progress
3 of the child toward the measurable annual ob-
4 jectives will be measured and how the parents
5 of the child will be regularly informed of the
6 child’s progress, in accordance with subsection
7 (f).

8 “(2) ADDITIONAL IEP REQUIREMENTS FOR A
9 CHILD WITH A DISABILITY WHO IS OF SECONDARY
10 SCHOOL AGE.—The IEP for each student who is a
11 child with a disability and who is of secondary school
12 age (hereafter in this section referred to as the ‘stu-
13 dent’) shall include additional information related to
14 transition services and the transfer of rights at the
15 age of majority, as described in subparagraphs (A)
16 through (C).

17 “(A) ADDRESSING THE STUDENT’S TRAN-
18 SITION NEEDS.—For a student aged 14
19 through 21 (or younger than age 14 if deter-
20 mined appropriate by the IEP team), the tran-
21 sition services needs of the student shall be con-
22 sidered and, as appropriate, addressed under
23 the applicable components of the student’s IEP
24 described in paragraph (1) relating to present
25 levels of educational performance, measurable

1 annual objectives, special education and related
2 services, and other applicable components.

3 “(B) STATEMENT OF TRANSITION SERV-
4 ICES AND SUPPORTS.—

5 “(i) IN GENERAL.—In meeting the re-
6 quirements of subparagraph (A), the IEP
7 team shall give consideration to the stu-
8 dent’s participation in the general edu-
9 cation curriculum (such as participation in
10 advanced-placement courses or a vocational
11 education or school-to-work program, or
12 independent living skills training, which
13 lead to successful transition from second-
14 ary school to postschool adult environ-
15 ments).

16 “(ii) TRANSITION SERVICES STATE-
17 MENT.—Beginning no later than age 16,
18 the student’s IEP shall include a state-
19 ment of needed transition services as de-
20 fined in subsection (i) including, when ap-
21 propriate, a statement of the interagency
22 responsibilities and needed linkages among
23 agencies to ensure delivery of services be-
24 fore the student leaves the school setting.

1 “(C) TRANSFER OF RIGHTS AT THE AGE
2 OF MAJORITY.—Beginning at least 1 year be-
3 fore the student reaches the age of majority
4 under State law, the IEP shall include a state-
5 ment about the rights under this Act, if any,
6 that will transfer to the student on reaching the
7 age of majority under section 615(j).

8 “(f) REPORTING EACH CHILD’S PROGRESS TOWARD
9 OBJECTIVES.—The local educational agency shall ensure
10 that—

11 “(1) the parents of each child with a disability
12 are regularly informed of the progress of the child,
13 toward the measurable annual objectives, and the ex-
14 tent to which such progress is sufficient to enable
15 the child to achieve the objectives by the end of the
16 school year; and

17 “(2) in implementing the requirement in para-
18 graph (1), the parents are informed (by periodic re-
19 port cards or other appropriate means) at least as
20 often as parents of nondisabled children are in-
21 formed of the progress of their nondisabled children.

22 “(g) REVIEW AND REVISION OF IEP.—The local edu-
23 cational agency shall ensure that the IEP team for each
24 child—

1 “(1) reviews the child’s IEP periodically, but
 2 not less than annually, to determine whether the an-
 3 nual objectives for the child are being achieved; and

4 “(2) revises the IEP, as appropriate, to ad-
 5 dress—

6 “(A) continued progress in, or any lack of
 7 expected progress toward, achieving the annual
 8 objectives and in the general curriculum, where
 9 appropriate;

10 “(B) the results of any reevaluation con-
 11 ducted under this section;

12 “(C) information about the child provided
 13 to the parents under subsection (f);

14 “(D) the anticipated needs of the child; or

15 “(E) other matters, as appropriate.

16 “(h) FAILURE TO MEET TRANSITION OBJEC-
 17 TIVES.—If an entity (other than the local educational
 18 agency) involved in planning or providing transition serv-
 19 ices to a child with a disability fails to provide the transi-
 20 tion services described in the IEP in accordance with sub-
 21 section (e)(2)(A), the local educational agency shall recon-
 22 vene the IEP team to identify alternative strategies to
 23 meet the transition objectives for the student set forth in
 24 the IEP.

1 “(i) DEFINITION OF TRANSITION SERVICES.—For
2 the purpose of this section, the term ‘transition services’
3 means a coordinated set of activities for a student, de-
4 signed within an outcome-oriented process, which pro-
5 motes movement from school to postschool activities, in-
6 cluding postsecondary education, vocational training, inte-
7 grated employment (including supported employment),
8 continuing and adult education, adult services, independ-
9 ent living, or community participation. The coordinated
10 set of activities shall be based upon the individual needs
11 of the student, taking into account the preferences and
12 interests of the student, and shall include instruction,
13 community experiences, the development of employment
14 and other postschool adult living objectives, and, when ap-
15 propriate, acquisition of daily living skills and functional
16 vocational evaluation.”.

17 “(j) CONSTRUCTION CLAUSE.—Nothing in this sec-
18 tion shall be construed to require the IEP team to include
19 information under one component of a child’s IEP that
20 is already contained under another component of such
21 IEP.

22 “(k) PLACEMENTS.—Each local educational agency
23 shall ensure that the parents of each child with a disability
24 are members of any group that makes decisions on the
25 educational placement of their child.

1 **SEC. 205. CHAPTER 1 STATE AGENCIES.**

2 Section 614A (20 U.S.C. 1414a) is repealed.

3 **SEC. 206. PROCEDURAL SAFEGUARDS.**

4 (a) PROCEDURES.—Section 615(a) (20 U.S.C.
5 1415(a)) is amended—

6 (1) by striking “Any State educational agency,
7 any local educational agency, and any intermediate
8 educational unit which” and inserting “Any State
9 educational agency or local educational agency
10 that”;

11 (2) by striking “subsection (b) through sub-
12 section (e) of”;

13 (3) by striking “or guardians”; and

14 (4) by striking “and units”.

15 (b) TYPES OF PROCEDURES.—Section 615(b) (20
16 U.S.C. 1415(b)) is amended—

17 (1) by striking paragraph (2);

18 (2) in paragraph (1)—

19 (A) in subparagraph (A), by striking “(A)
20 an opportunity for the parents or guardian”
21 and inserting “(1) an opportunity for the par-
22 ents”;

23 (B) in subparagraph (B)—

24 (i) by striking “(B) procedures” and
25 inserting “(2) procedures”;

1 (ii) by striking “or guardian” each
 2 place it appears; and

3 (iii) by striking “local educational
 4 agency, or intermediate educational unit”
 5 and inserting “the local educational agen-
 6 cy, or any other agency that is”;

7 (C) in subparagraph (C)—

8 (i) by striking “(C) written prior no-
 9 tice to the parents or guardian of the child
 10 whenever such agency or unit” and insert-
 11 ing “(3) written prior notice in accordance
 12 with subsection (c) to the parents of the
 13 child whenever such agency”;

14 (ii) by striking “(i) proposes” and in-
 15 serting “(A) proposes”;

16 (iii) by striking “(ii) refuses” and in-
 17 serting “(B) refuses”; and

18 (iv) by striking “public education to
 19 the child” and inserting “public education
 20 to the child, in accordance with subsection
 21 (c)”;

22 (D) in subparagraph (D), to read as fol-
 23 lows:

24 “(4) procedures designed to ensure that the no-
 25 tice required by paragraph (3) is provided in the na-

1 tive language of the parents or other mode of com-
 2 munication used by the parents, unless it clearly is
 3 not feasible to do so;”;

4 (E) in subparagraph (E), by striking “(E)
 5 an opportunity” and inserting “(6) an oppor-
 6 tunity”; and

7 (F) by inserting after paragraph (4) (as so
 8 redesignated by subparagraph (D)) the follow-
 9 ing new paragraph:

10 “(5) an opportunity for mediation in accordance
 11 with subsection (e); and”; and

12 (3) by striking “(b)(1) The” and inserting “(b)
 13 The”.

14 (c) OTHER PROVISIONS OF SECTION 615.—Section
 15 615 (20 U.S.C. 1415) is amended—

16 (1) in subsection (c)—

17 (A) by striking “paragraph (2) of sub-
 18 section (b)” and inserting “subsection (f)”; and

19 (B) by striking “or an intermediate edu-
 20 cational unit”;

21 (2) in subsection (d), by striking “subsections
 22 (b) and (c)” and inserting “subsections (f) and (g)”;

23 (3) in subsection (e)—

1 (A) in paragraph (1), by striking “para-
2 graph (2) of subsection (b)” and inserting
3 “subsection (f)”;

4 (B) in paragraph (2), by striking “decision
5 made under subsection (b)” and inserting “de-
6 cision made under subsection (f)”;

7 (C) by striking “subsection (c)” each place
8 it appears and inserting “subsection (g)”;

9 (D) in paragraph (3)—

10 (i) by striking “or guardian” each
11 place it appears; and

12 (ii) by striking “section 602(a)(20)”
13 and inserting “section 602(a)(15);

14 (E) in paragraph (4)—

15 (i) in subparagraph (B), by striking
16 “or guardian”;

17 (ii) in subparagraph (C), by striking
18 “For the purpose of this subsection, fees”
19 and inserting “Fees”;

20 (iii) in subparagraph (D)—

21 (I) by striking “No award of at-
22 torneys’ fees and related costs may be
23 made” and inserting “Except as pro-
24 vided in subparagraph (E), attorneys’

1 fees may not be awarded and related
 2 costs may not be reimbursed”; and

3 (II) by striking “or guardian”
 4 each place it appears;

5 (iv) in subparagraph (E)—

6 (I) by striking “Notwithstanding
 7 the provisions of subparagraph (D)”
 8 and inserting “Notwithstanding sub-
 9 paragraph (D)”; and

10 (II) by striking “or guardian”;

11 (v) in subparagraph (F)—

12 (I) by striking “(F) Whenever”
 13 and inserting “(F) Except as provided
 14 in subparagraph (G), whenever”; and

15 (II) by striking “or guardian”;

16 (vi) in subparagraph (G), by striking
 17 “or there was a violation of section 615 of
 18 this Act”; and

19 (vii) by adding at the end thereof the
 20 following new subparagraphs:

21 “(H) For the purpose of this section, the determina-
 22 tion of whether a party is a prevailing party under this
 23 section shall be made in accordance with the law estab-
 24 lished by the Supreme Court in *Hensley v. Eckerhart*, 461
 25 U.S. 424 (1983).

1 “(I) For the purpose of this section, an IEP meeting
 2 shall not, in and of itself, be deemed to be a proceeding
 3 triggering the awarding of attorneys’ fees.”;

4 (4) by redesignating subsections (c) through (e)
 5 as subsections (g) through (i), respectively;

6 (5) redesignating subsection (f) as subsection
 7 (k);

8 (6) by inserting after subsection (b) the follow-
 9 ing new subsections:

10 “(c)(1) The notice required by subsection (b)(3) with
 11 respect to the proposal or refusal to initiate or change the
 12 identification, evaluation, or educational placement of a
 13 child described in such subsection or the provision of a
 14 free appropriate public education to such child shall—

15 “(A) include—

16 “(i) a description of the action proposed or
 17 refused by the agency;

18 “(ii) an explanation of why the agency pro-
 19 poses or refuses to take the action; and

20 “(iii) a description of any other options
 21 that the agency considered and the reasons why
 22 the options were not chosen;

23 “(B) describe each evaluation procedure, test,
 24 record, or report that the agency used as a basis for
 25 the proposed or refused action;

1 “(C) describe any other factors that are rel-
2 evant to the proposal or refusal of the agency;

3 “(D) include a full explanation of the proce-
4 dural safeguards available under this section, and
5 under the regulations of the Secretary, relating to
6 independent educational evaluations, notice, parental
7 consent, mediation, and the placement of the child
8 during the pendency of due process proceedings;

9 “(E) include at least a brief summary of the
10 procedural safeguards under this section relating to
11 due process hearings, State-level appeals (if applica-
12 ble in that State), civil actions, and attorneys’ fees;

13 “(F) include a statement that the agency will
14 provide a full explanation of the procedural safe-
15 guards available to parents under this section, and
16 under the regulations of the Secretary, relating to—

17 “(i) access to educational records, when-
18 ever requested by the parents; and

19 “(ii) the hearings, appeals, actions, and
20 fees described in subparagraph (E) whenever
21 the parents request such explanation or file a
22 complaint under subsection (b)(6); and

23 “(G) include the name, address, and telephone
24 number of the Parent Information and Training
25 Center in the State and other resources in the State

1 that will assist a parent understand protections and
2 opportunities under this part.

3 “(2) Each State educational agency and each local
4 educational agency that receives assistance under this part
5 shall provide the explanation described in paragraph
6 (1)(F) in the cases described in such paragraph.

7 “(d)(1) The parents of a child with a disability or
8 a suspected disability shall provide to the local educational
9 agency written notice of their intention to file a complaint
10 under subsection (b)(6) regarding the identification, eval-
11 uation, or educational placement of the child or the provi-
12 sion of a free appropriate public education to the child,
13 10 calendar days prior to the date of the filing of the com-
14 plaint if—

15 “(A) the parents have new information regard-
16 ing the identification, evaluation, or educational
17 placement of the child or the provision of a free ap-
18 propriate public education to the child; or

19 “(B) the parents are initiating a complaint
20 about the identification, evaluation, or educational
21 placement of the child or the provision of a free ap-
22 propriate public education to the child and the par-
23 ents have signed the most recent IEP of the child.

24 “(2) Prior to filing a complaint, if the parents have
25 new information regarding the identification, evaluation,

1 or educational placement of the child or the provision of
2 a free appropriate public education to the child, the par-
3 ents shall provide the information to the local educational
4 agency along with the notice of their intent to file a com-
5 plaint.

6 “(3) If the parents were duly informed by the local
7 educational agency with respect to their obligation to file
8 a notice of intention to file a complaint under this sub-
9 section and the parents fail to provide such notice, the
10 timeline for a final decision on the complaint shall be ex-
11 tended by 10 calendar days.

12 “(e)(1) Each State educational agency shall ensure
13 that procedures are established and implemented to allow
14 parties to disputes involving matters described in sub-
15 section (b)(6) to resolve such disputes through mediation.

16 “(2)(A) The procedures described in paragraph (1)
17 shall ensure—

18 “(i) that whenever a hearing is requested on
19 any matter in dispute under subsection (b)(6), the
20 parents are offered an opportunity for mediation to
21 resolve the dispute; and

22 “(ii) that mediation—

23 “(I) is voluntary on the part of the parents
24 and may be waived by the parents at any time
25 during such process;

1 “(II) is not used to deny a parent to the
2 right of a, or delay access by a parent to, due
3 process hearings under subsection (f) or to deny
4 the parents any other rights afforded under this
5 part; and

6 “(III) is conducted by a qualified and im-
7 partial mediator who is not an employee of a
8 local educational agency or State agency de-
9 scribed in section 613(i) that is involved in the
10 education or care of the child or who is not a
11 person having a personal or professional conflict
12 of interest;

13 “(iii) that mediators are appointed from the list
14 described in subparagraph (B)(i);

15 “(iv) that whenever a mediator is not selected
16 on a random basis, both the parents and the local
17 educational agency are involved in selecting the me-
18 diator and are in agreement with the individual who
19 is selected;

20 “(v) that each session in the mediation process
21 shall be scheduled in a timely manner and shall be
22 held in a location that is convenient and accessible
23 to the parties to the dispute;

24 “(vi) that no statements made by either party
25 during the mediation under this subsection shall be

1 offered or used as evidence in any hearing, review of
2 a hearing decision, or civil action under this section;
3 and

4 “(vii) that an agreement reached by the parties
5 to the dispute in the mediation process shall be set
6 forth in a written mediation agreement.

7 “(B)(i) Each State educational agency shall compile
8 and maintain a list of individuals who are—

9 “(I) trained in mediation; and

10 “(II) knowledgeable about the educational
11 needs of children with disabilities and applicable
12 statutes and regulations relating to the educational
13 rights of such children, including the requirements
14 of this part and the regulations of the Secretary
15 under this part.

16 “(ii) The State educational agency shall ensure that
17 mediation will be provided to parents at no cost.

18 “(3) If a State has on file with the Secretary docu-
19 mentation that the State has an established mediation
20 process that is comparable to the mediation process de-
21 scribed in this subsection, the mediation process of the
22 State shall be considered to be in compliance with this
23 subsection. Within 4 years after the date of enactment of
24 the Individuals with Disabilities Education Act Amend-
25 ments of 1996, such State shall establish a mediation

1 process program that complies with the requirements of
2 this subsection.

3 “(4) Nothing in this part shall prohibit employees or
4 former employees of a State educational agency from serv-
5 ing as mediators in resolving disputes about any matter
6 described in subsection (b)(6), unless the dispute directly
7 involves such agency.

8 “(f) Whenever a complaint has been received under
9 subsection (b)(6), the parents shall have an opportunity
10 for an impartial due process hearing that shall be con-
11 ducted by the State educational agency or by the local edu-
12 cational agency, as determined by State law or by the
13 State educational agency. No hearing conducted pursuant
14 to the requirements of this subsection shall be conducted
15 by an employee of such agency involved in the education
16 or care of the child.”; and

17 (7) by inserting after subsection (i) (as so re-
18 designated by paragraph (4)) the following new sub-
19 section:

20 “(j)(1) Subject to the provisions of paragraph (2),
21 any State that receives funds under this part may provide
22 that, when a student with a disability reaches the age of
23 majority under State law—

1 “(A) the public agency shall provide any notice
2 required by this section to both the individual and
3 the parents;

4 “(B) all other rights accorded to parents under
5 this part transfer to the child; and

6 “(C) the agency shall notify the individual and
7 the parents of the transfer of rights.

8 “(2)(A) If, under State law, a student described in
9 paragraph (1) is determined to not have the ability to pro-
10 vide informed consent with respect to the educational pro-
11 gram of the student, the State shall have in effect proce-
12 dures for appointing the parent or other individual to rep-
13 resent the educational interests of the student throughout
14 the student’s eligibility under this part.

15 **SEC. 207. WITHHOLDING AND JUDICIAL REVIEW.**

16 Section 616 (20 U.S.C. 1416) is amended to read as
17 follows:

18 **“SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.**

19 “(a) WITHHOLDING.—

20 “(1) IN GENERAL.—Whenever the Secretary,
21 after reasonable notice and opportunity for hearing
22 to the State educational agency involved (and to any
23 local educational agency or State agency affected by
24 any failure described in subparagraph (B)), finds—

1 “(A) that there has been a failure by the
2 State to comply substantially with any provision
3 of this part; or

4 “(B) that there is a failure to comply with
5 any condition of a local educational agency’s eli-
6 gibility or State agency’s eligibility under this
7 part,
8 the Secretary shall, after notifying the State edu-
9 cational agency, withhold any further payments to
10 the State under this part.

11 “(2) LIMITATIONS.—If the Secretary withholds
12 further payments under paragraph (1), the Sec-
13 retary may determine that such withholding will be
14 limited to programs or projects, or portions thereof,
15 affected by the failure, or that the State educational
16 agency shall not make further payments under this
17 part to specified local educational agencies or State
18 agencies affected by the failure. Until the Secretary
19 is satisfied that there is no longer any failure to
20 comply with the provisions of this part, as specified
21 in subparagraph (A) or (B) of paragraph (1), no
22 further payments shall be made to the State under
23 this part or payments by the State educational agen-
24 cy under this part shall be limited to local edu-
25 cational agencies whose actions did not cause or

1 were not involved in the failure, as the case may be.
 2 Any State educational agency or local educational
 3 agency in receipt of a notice pursuant to paragraph
 4 (1) shall, by means of a public notice, take such
 5 measures as may be necessary to bring the pendency
 6 of an action pursuant to this subsection to the atten-
 7 tion of the public within the jurisdiction of such
 8 agency.

9 “(b) APPEALS OF ELIGIBILITY DETERMINATIONS.—

10 “(1) PETITION.—If any State is dissatisfied
 11 with the Secretary’s final action with respect to the
 12 eligibility of such State under section 612, such
 13 State may, within 60 days after notice of such ac-
 14 tion, file with the United States court of appeals for
 15 the circuit in which such State is located a petition
 16 for review of that action. A copy of the petition shall
 17 be forthwith transmitted by the clerk of the court to
 18 the Secretary. The Secretary thereupon shall file in
 19 the court the record of the proceedings upon which
 20 the Secretary’s action was based, as provided in sec-
 21 tion 2112 of title 28, United States Code.

22 “(2) FINDINGS.—The findings of fact by the
 23 Secretary, if supported by substantial evidence, shall
 24 be conclusive, but the court, for good cause shown,
 25 may remand the case to the Secretary to take fur-

1 ther evidence, and the Secretary may thereupon
 2 make new or modified findings of fact and may mod-
 3 ify the previous action of the Secretary, and shall
 4 file in the court the record of the further proceed-
 5 ings. Such new or modified findings of fact shall be
 6 conclusive if supported by substantial evidence.

7 “(3) COURT’S JUDGMENT.—Upon the filing of
 8 such petition, the court shall have jurisdiction to af-
 9 firm the action of the Secretary or to set such action
 10 aside, in whole or in part. The judgment of the court
 11 shall be subject to review by the Supreme Court of
 12 the United States upon certiorari or certification as
 13 provided in section 1254 of title 28, United States
 14 Code.”.

15 **SEC. 208. ADMINISTRATION.**

16 Section 617 (21 U.S.C. 1417) is amended to read as
 17 follows:

18 **“SEC. 617. ADMINISTRATION.**

19 “(a) SECRETARY’S RESPONSIBILITIES.—In carrying
 20 out this part, the Secretary shall—

21 “(1) cooperate with, and (directly or through
 22 grant or contract) provide the technical assistance
 23 necessary to, the State in matters relating to—

24 “(A) the education of children with disabil-
 25 ities;

1 “(B) carrying out the requirements of this
2 part;

3 “(2) provide short-term training programs and
4 institutes; and

5 “(3) disseminate information about, and other-
6 wise promote, the education of all children with dis-
7 abilities within the States.

8 “(b) RULES AND REGULATIONS.—In carrying out
9 the provisions of this part, the Secretary shall, not later
10 than January 1, 1977, issue, amend, and revoke such
11 rules and regulations as may be necessary. No other less
12 formal method of implementing such provisions is author-
13 ized.

14 “(c) CONFIDENTIALITY.—The Secretary shall take
15 appropriate action, in accordance with the provisions of
16 section 444 of the General Education Provisions Act (20
17 U.S.C. 1232g), to ensure the protection of the confiden-
18 tiality of any personally identifiable data, information, and
19 records collected or maintained by the Secretary and by
20 State and local educational agencies pursuant to the provi-
21 sions of this part.

22 “(d) PERSONNEL.—The Secretary is authorized to
23 hire qualified personnel necessary to conduct data collec-
24 tion and evaluation activities authorized by section 618,
25 without regard to the provisions of title 5, United States

1 Code, relating to appointments in the competitive service
2 and without regard to chapter 51 and subchapter III of
3 chapter 53 of such title relating to classification and gen-
4 eral schedule pay rates except that no more than 20 such
5 personnel shall be employed at any time.

6 “(e) POLICY LETTERS AND STATEMENTS.—The Sec-
7 retary may not, through policy letters or other statements,
8 establish a new rule that is required for compliance with
9 and eligibility under this part without following the re-
10 quirements of section 553 of title 5, United States Code.

11 “(f) INTERPRETATIONS BY THE DEPARTMENT OF
12 EDUCATION.—

13 “(1) IN GENERAL.—The Secretary shall, on a
14 quarterly basis, publish in the Federal Register, and
15 widely disseminate to interested entities through var-
16 ious additional forms of communication, a list of
17 correspondence from the Department of Education
18 received by persons during the previous quarter that
19 describes the interpretations of the Department of
20 Education of this part or the regulations imple-
21 mented pursuant to this part.

22 “(2) ADDITIONAL INFORMATION.—For each
23 item of correspondence published in a list under
24 paragraph (1), the Secretary shall identify the topic
25 addressed by the correspondence and shall include

1 such other summary information as the Secretary
2 finds appropriate.”.

3 **SEC. 209. EVALUATION AND PROGRAM INFORMATION.**

4 (a) IN GENERAL.—Section 618 (20 U.S.C. 1418) is
5 amended to read as follows:

6 **“SEC. 618. EVALUATION AND PROGRAM INFORMATION.**

7 “(a) PROGRAM INFORMATION.—Each State that re-
8 ceives assistance under this part, and the Secretary of the
9 Interior, shall provide data each year to the Secretary—
10 “(1)(A) on the number of children with disabili-
11 ties—

12 “(i) who are receiving a free appropriate
13 public education;

14 “(ii) who are receiving early intervention
15 services;

16 “(iii) who are participating in regular edu-
17 cation;

18 “(iv) who are in separate classes, separate
19 schools or facilities, or public or private residen-
20 tial facilities;

21 “(v) for each year of age from 14 through
22 21, who, because of program completion or for
23 other reasons, stopped receiving special edu-
24 cation and related services; and

1 “(vi) from birth through age 2, who, be-
 2 cause of program completion or for other rea-
 3 sons, stopped receiving early intervention serv-
 4 ices; and

5 “(B) on the number of infants and toddlers who
 6 are at risk of having substantial developmental
 7 delays (as described in section 672) and who are re-
 8 ceiving early intervention services under part H; and

9 “(2) any other information as may be required
 10 by the Secretary.

11 “(b) STUDIES EVALUATIONS, AND NATIONAL AS-
 12 SESSMENTS.—The Secretary shall assess the progress in
 13 the implementation of this Act through the studies and
 14 evaluations, and assessment described in paragraphs (1)
 15 and (2).

16 “(1) STUDIES AND EVALUATIONS.—In carrying
 17 out the studies and evaluations required by this sec-
 18 tion, the Secretary shall, directly or through grant,
 19 contract, or cooperative agreement, conduct studies
 20 and evaluations necessary to—

21 “(A) assess, through quantitative and
 22 qualitative data and reporting modes, the effec-
 23 tiveness of State and local efforts to—

24 “(i) provide a free appropriate public
 25 education to children with disabilities;

1 “(ii) provide early intervention serv-
2 ices to infants and toddlers with disabil-
3 ities and infants and toddlers at risk for
4 developmental delay;

5 “(B) assess the placement of children with
6 disabilities by disability category; and

7 “(C) analyze measurable impact, outcomes,
8 and results achieved by the State educational
9 agencies and local educational agencies through
10 the systems change activities of such agencies
11 to reform policies, procedures, and practices de-
12 signed to improve the educational and transi-
13 tional services and results for children with dis-
14 abilities.

15 “(2) NATIONAL ASSESSMENT.—The Secretary
16 shall, directly or through grants, contracts, or coop-
17 erative agreements, conduct studies, investigations,
18 and evaluations that shall measure the educational
19 and transitional services and results of children with
20 disabilities under this Act. Such grants, contracts, or
21 cooperative agreements shall include—

22 “(A) the conduct of a 5-year longitudinal
23 study or studies (utilizing both quantitative and
24 qualitative data and reporting modes) that ex-
25 amines—

1 “(i) the educational and transitional
2 services and results for children with dis-
3 abilities aged 3 through 17, who are receiv-
4 ing special education and related services
5 under this Act, using a national, represent-
6 ative sample of distinct age cohorts and
7 disability categories; and

8 “(ii) the educational results, post-
9 secondary placement, and employment sta-
10 tus of individuals with disabilities, aged 18
11 through 21, who are receiving or have re-
12 ceived special education and related serv-
13 ices under this Act;

14 “(B) the annual collection of data (begin-
15 ning on October 1, 1998 and every year there-
16 after) on the number of children with disabil-
17 ities suspended, expelled, and subject to other
18 disciplinary actions, including data
19 disaggregated by age, sex, race, socio-economic
20 status, disability category, and category of be-
21 havior subject to disciplinary action;

22 “(C) an analysis of State and local needs
23 for professional development, parent training,
24 and other appropriate activities regarding dis-

1 ciplinary actions involving children with disabil-
2 ities; and

3 “(D) an assessment of the educational and
4 transitional services and results for children
5 with disabilities from unserved and underserved
6 populations, including—

7 “(i) data on the number of children
8 from unserved and underserved popu-
9 lations who—

10 “(I) are referred for special edu-
11 cation evaluation;

12 “(II) are receiving special edu-
13 cation and related services; and

14 “(III) graduated from secondary
15 and post secondary education pro-
16 grams; and

17 “(ii) the performance of children with
18 disabilities from unserved and underserved
19 populations on State assessments and
20 other performance indicators established
21 for all students.

22 “(c) ANNUAL REPORT.—Not later than 120 days
23 after the expiration of each fiscal year, the Secretary shall
24 prepare and submit to Congress a report that includes—

1 “(1) an analysis and summary of the data re-
2 ported by the States and the Secretary of the Inte-
3 rior under subsection (a);

4 “(2) the results of activities conducted under
5 subsection (b);

6 “(3) the findings and determinations resulting
7 from reviews of States with respect to the implemen-
8 tation of this Act; and

9 “(4) recommendations with respect to the im-
10 plementation of this Act to improve the educational
11 and transitional services and results for children
12 with disabilities and their families.

13 “(d) ADDITIONAL SOURCES OF INFORMATION.—The
14 Secretary may collect and use information collected from
15 various sources for reporting to Congress, including the
16 collection and use of State evaluation and available re-
17 search studies, in carrying out this section.

18 “(e) RESERVATION FOR STUDIES AND EVALUA-
19 TIONS.—Notwithstanding any provision of this Act, the
20 Secretary may reserve, in addition to any funds appro-
21 priated under this section, up to one-half of one percent
22 of the amount appropriated under this part and part H
23 for each fiscal year to carry out the purposes of this sec-
24 tion.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—For
 2 purposes of carrying out this section, there are authorized
 3 to be appropriated such sums as may be necessary.

4 “(g) APPLICABILITY OF DEFINITIONS.—Any term
 5 used in this section that is defined in section 602 (as
 6 amended by section 102 of the Individuals with Disabil-
 7 ities Education Act Amendments of 1996) shall have the
 8 meaning given such term in such section.”.

9 (b) REPEAL.—Section 618(g), as added by subsection
 10 (a), shall be repealed effective October 1, 1997.

11 **SEC. 210. PRESCHOOL GRANTS.**

12 Section 619 (21 U.S.C. 1419) is amended to read as
 13 follows:

14 **“SEC. 619. PRESCHOOL GRANTS.**

15 “(a) PURPOSE OF GRANTS.—The Secretary shall
 16 make grants to States and the outlying areas to assist in
 17 the provision of special education and related services, in
 18 accordance with this part—

19 “(1) to children with disabilities aged 3 through
 20 5; and

21 “(2) at the discretion of the State, to 2-year-old
 22 children with disabilities who will turn age 3 during
 23 the school year.

1 “(b) ELIGIBILITY.—A State or outlying area is eligi-
2 ble for a grant under this section if the State or outlying
3 area—

4 “(1) has established its eligibility under section
5 612; and

6 “(2) makes a free appropriate public education
7 available to all children with disabilities, aged 3
8 through 5, residing in the jurisdiction of the State
9 or the outlying area.

10 “(c) ALLOCATIONS.—Of the funds made available
11 under this section, the Secretary shall allocate to each eli-
12 gible State and each outlying area, the State’s or outlying
13 area’s pro rata share of the available funds based upon
14 the count of the State of children with disabilities, aged
15 3 through 5, consistent with section 611(a)(3). The
16 amount of any grant to any State or outlying area under
17 this section for any fiscal year may not exceed \$1,500 for
18 each child with a disability in such State or outlying area,
19 aged 3 through 5.

20 “(d) STATE-LEVEL ACTIVITIES.—

21 “(1) IN GENERAL.—A State may retain not
22 more than 25 percent of the amount of the grant the
23 State receives under this section for administration
24 and other State-level activities in accordance with
25 subsections (e) and (f).

1 “(2) INAPPLICABILITY OF CERTAIN REQUIRE-
 2 MENTS.—A State may use funds the State retains
 3 under paragraph (1) without regard to—

4 “(A) the prohibition on commingling of
 5 funds under section 612(a)(18)(A)(ii); and

6 “(B) the prohibition on supplanting other
 7 funds under section 612(a)(18)(A)(iii).

8 “(e) STATE ADMINISTRATION.—

9 “(1) IN GENERAL.—Each State and outlying
 10 area may use not more than 5 percent of the
 11 amount of the grant the State receives under this
 12 section for any fiscal year for the purpose of admin-
 13 istering this part, including the coordination of ac-
 14 tivities under this part with, and providing technical
 15 assistance to, other programs that provide services
 16 to children with disabilities.

17 “(2) ADMINISTRATION OF PART H.—Funds de-
 18 scribed in paragraph (1) may also be used for the
 19 administration of part H, if the State educational
 20 agency is the lead agency for the State under that
 21 part.

22 “(f) OTHER STATE-LEVEL ACTIVITIES.—A State
 23 shall use any funds the State retains under subsection (d)
 24 and does not use for administration under subsection
 25 (e)—

1 “(1) for support services (including establishing
2 and implementing the mediation process required by
3 section 615(e)), which may benefit children with dis-
4 abilities younger than age 3 and older than age 5 as
5 long as such services also benefit children with dis-
6 abilities aged 3 through 5;

7 “(2) for direct services for children eligible for
8 services under this section;

9 “(3) to develop and implement State systems
10 change activities under part C;

11 “(4) for activities at the State and local levels
12 to meet the performance goals established by the
13 State under section 612(a)(16) and to support im-
14 plementation of the State systems change activities
15 under part C if the State receives funds under such
16 part;

17 “(5) to supplement other funds used to develop
18 and implement a fully integrated and coordinated
19 Statewide system that links education, health, social
20 welfare services, support systems, and other commu-
21 nity entities, in a manner designed to improve the
22 educational and transitional results for all children
23 and their families (including children with disabil-
24 ities and their families), but not to exceed 1 percent

1 of the amount received by the State under this sec-
2 tion; or

3 “(6) for other activities deemed appropriate by
4 the State educational agency;

5 “(g) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
6 CIES.—

7 “(1) REQUIREMENT TO MAKE SUBGRANTS.—A
8 State that receives a grant under this section for
9 any fiscal year shall distribute at least 75 percent of
10 the grant funds to local educational agencies in the
11 State that have established the eligibility of the
12 State under section 613, and to State agencies that
13 received funds under section 614A (as such section
14 was in effect on the day preceding the date of enact-
15 ment of the Individuals with Disabilities Education
16 Act Amendments of 1996) for fiscal year 1995 and
17 that have established their eligibility under section
18 613.

19 “(2) METHODS OF DISTRIBUTION.—From the
20 amount of funds available to local educational agen-
21 cies in any State under this section, each local edu-
22 cational agency shall be entitled to the pro rata
23 share of the available funds based on the aggregate
24 number of children with disabilities aged 3 through

1 5 who received special education and related services
2 as determined under section 611.

3 “(h) PART H INAPPLICABILITY.—Part H does not
4 apply to any child with a disability receiving a free appro-
5 priate public education, in accordance with this part, with
6 funds received under this section.

7 “(i) OUTLYING AREAS.—The provisions of section
8 501 of Public Law 95–134 (48 U.S.C. 1469a), permitting
9 the consolidation of grants to outlying areas, shall not
10 apply to funds such areas receive under this section.

11 “(j) DEFINITION OF ‘STATE’.—For the purpose of
12 this section, the term ‘State’ means each of the 50 States,
13 the District of Columbia, and the Commonwealth of Puer-
14 to Rico.

15 “(k) AUTHORIZATION OF APPROPRIATIONS.—For the
16 purpose of carrying out this section, there are authorized
17 to be appropriated such sums as may be necessary.”.

18 **SEC. 211. PAYMENTS.**

19 Section 620 (20 U.S.C. 1420) is amended to read as
20 follows:

21 **“SEC. 620. PAYMENTS.**

22 “(a) PAYMENTS TO STATES.—The Secretary shall
23 make payments to each State that has demonstrated the
24 eligibility of the State under section 612, in amounts that
25 the Secretary determines under sections 611 and 619.

1 “(b) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES
 2 AND STATE AGENCIES.—Any State educational agency re-
 3 ceiving payments under this section shall distribute pay-
 4 ments to local educational agencies (and to State agencies
 5 that received funds under section 614A, as such section
 6 was in effect on the day preceding the date of enactment
 7 of the Individuals with Disabilities Education Act Amend-
 8 ments of 1996, for fiscal year 1995) in the State that the
 9 State educational agency has determined are eligible under
 10 section 613, in amounts determined under sections 611
 11 and 619.”.

12 **SEC. 212. APPLICABILITY OF DEFINITIONS.**

13 (a) AMENDMENT.—Part B (20 U.S.C. 611 et seq.)
 14 is amended by adding at the end thereof the following new
 15 section:

16 **“SEC. 621. APPLICABILITY OF DEFINITIONS.**

17 “The definitions used in section 602 (as in effect on
 18 the day before the date of enactment of the Individuals
 19 with Disabilities Education Act Amendments of 1996)
 20 shall apply to this part.”.

21 (b) REPEAL.—Section 621, as added by subsection
 22 (a), shall be repealed effective January 1, 1998.

1 **SEC. 213. EFFECTIVE DATES.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), the amendments made by this title shall take effect
4 on January 1, 1998.

5 (b) EVALUATION AND PROGRAM INFORMATION.—
6 The amendment made by section 209 shall take effect on
7 October 1, 1996, except that section 618(a)(1)(B) of the
8 Individuals with Disabilities Education Act, as added by
9 section 209, shall not take effect until October 1, 1997.

10 (c) TRANSITION RULE.—

11 (1) IN GENERAL.—Subject to paragraph (2), a
12 State that is eligible for assistance under part B (as
13 such part was in effect on the day before the date
14 of enactment of this Act) may begin carrying out the
15 requirements of part B (as amended by this title)
16 prior to January 1, 1998.

17 (2) NOTIFICATION AND APPROVAL.—A State
18 that desires to carry out a requirement of part B (as
19 amended by this title) under paragraph (1) shall no-
20 tify the Secretary of which requirements of such
21 part the State desires to carry out. In accordance
22 with the procedure established by the Secretary, the
23 Secretary shall notify the State—

24 (A) of whether the State may carry out a
25 requirement of such part; and

1 (B) of any applicable procedure that the
 2 State shall comply with for the purposes of car-
 3 rying out such requirement.

4 **SEC. 214. CONFORMING AND TECHNICAL AMENDMENTS.**

5 (a) SETTLEMENTS AND ALLOCATIONS.—Section 611
 6 (20 U.S.C. 1411) is amended—

7 (1) by striking “SEC. 611. (a)” and all that fol-
 8 lows through (1) Except as” and inserting the fol-
 9 lowing:

10 “SEC. 611. (a)(1) Except as”; and

11 (2) in subsection (a) (amended by paragraph
 12 (1))—

13 (A) in paragraph (1)—

14 (i) by realigning the margins of sub-
 15 paragraphs (A) and (B) so as to align with
 16 subparagraphs (A) and (B) of subsection
 17 (b)(1); and

18 (ii) by realigning the margins of
 19 clauses (i) and (ii) so as to align with
 20 subclauses (I) and (II) of subsection
 21 (d)(2)(A)(i); and

22 (B) by realigning the margins of para-
 23 graph (2) so as to align with paragraph (3).

24 (b) ADVISORY PANELS.—Section 615(h) (20 U.S.C.
 25 1415(h)), as so redesignated by section 206(c)(4), is

1 amended by striking “section 613(a)(12)” and inserting
 2 “section 612(a)(20)”.

3 (c) PROCEDURAL SAFEGUARDS.—Section 615(k) (20
 4 U.S.C. 1415(k)), as so redesignated by section 206(c)(5),
 5 is amended by striking “subsections (b)(2) and (c)” and
 6 inserting “subsections (f) and (g)”.

7 **TITLE III—SYSTEMS CHANGE**

8 **SEC. 301. SYSTEMS CHANGE.**

9 Part C (20 U.S.C. 1421 et seq.) is amended to read
 10 as follows:

11 **“PART C—PROMOTING SYSTEMS CHANGE TO IM-** 12 **PROVE EDUCATIONAL AND TRANSITIONAL** 13 **SERVICES AND RESULTS FOR CHILDREN** 14 **WITH DISABILITIES**

15 **“SEC. 621. FINDINGS AND PURPOSE.**

16 “(a) FINDINGS.—Congress finds the following:

17 “(1) States are responding with some success to
 18 multiple pressures to improve educational and tran-
 19 sitional services and results for children with disabil-
 20 ities in response to growing demands imposed by
 21 ever-changing factors, such as demographics, social
 22 policies, and labor and economic markets.

23 “(2) In order for States to address such de-
 24 mands and to facilitate lasting systems change that
 25 is of benefit to all students, including children with

1 disabilities, States must involve local educational
2 agencies, individuals with disabilities and their fami-
3 lies, and other interested individuals and organiza-
4 tions in planning and implementation activities that
5 affect education.

6 “(3) Targeted Federal financial resources are
7 needed to support planning, needs assessment, im-
8 plementation, and evaluation of better ways to ad-
9 dress the needs of children with disabilities into the
10 next century.

11 “(4) State educational agencies, in partnership
12 with local educational agencies and other individuals
13 and organizations, are in the best position to iden-
14 tify and design ways to meet emerging and expand-
15 ing demands to improve education for children with
16 disabilities and to address their special needs.

17 “(5) Research, demonstration, and practice over
18 the past 20 years in special education and related
19 disciplines have built a foundation of knowledge on
20 which State and local systems change activities can
21 now be based.

22 “(6) Such research, demonstration, and practice
23 in special education and related disciplines have
24 demonstrated that an effective educational system
25 now and in the future must—

1 “(A) maintain high academic standards
2 and clear performance goals for children with
3 disabilities, consistent with the standards and
4 expectations for all students in the educational
5 system, and provide for appropriate and effective
6 strategies and methods to ensure that students
7 who are children with disabilities have
8 maximum opportunities to achieve such standards
9 and goals;

10 “(B) create a system that fully addresses
11 the needs of all students, including students
12 who are children with disabilities, by linking
13 and coordinating the requirements of parts B
14 and H with other systemic reform initiatives;

15 “(C) clearly define, in measurable terms,
16 the school and post-school results that children
17 with disabilities will achieve through their participation
18 in general and special education programs;
19

20 “(D) promote service integration, and the
21 coordination of State and local education, social,
22 health, and mental health supports, and
23 other interagency supports, in addressing the
24 full range of student needs, particularly the
25 needs of students who are children with disabili-

1 ities and have significant and multiple disabil-
2 ities;

3 “(E) ensure that children with disabilities
4 are provided assistance and support in making
5 transitions as described in section 614(a)(2);

6 “(F) promote comprehensive programs of
7 professional development to ensure that the per-
8 sons responsible for the education or such a
9 transition of children with disabilities possess
10 the skills and knowledge necessary to address
11 the educational and related needs of the chil-
12 dren;

13 “(G) create school-based disciplinary strat-
14 egies that will be used to reduce or eliminate
15 the need to use suspension and expulsion as
16 disciplinary options for children with disabil-
17 ities;

18 “(H) establish placement-neutral funding
19 formulas and cost-effective strategies for serv-
20 ing children with disabilities in special edu-
21 cation and general education; and

22 “(I) involve individuals with disabilities
23 and parents of children with disabilities in plan-
24 ning, implementing, and evaluating educational
25 system innovations and reforms.

1 “(b) PURPOSE.—The purpose of this part is to assist
 2 and provide incentives to State educational agencies,
 3 working in partnership with local educational agencies,
 4 and other interested individuals, agencies, and organiza-
 5 tions, described in section 623(a), to carry out systems
 6 change activities that will improve practices, procedures,
 7 policies, and training, and use of personnel, parents, and
 8 school-age peers of children with disabilities, and that will
 9 contribute to improved early intervention, educational and
 10 transitional results for children with disabilities in demon-
 11 strable and measurable ways.

12 **“SEC. 622. GRANTS TO STATE EDUCATIONAL AGENCIES.**

13 “(a) GRANT AWARD.—

14 “(1) IN GENERAL.—The Secretary shall award
 15 grants, on a competitive basis, to State educational
 16 agencies, working in partnership with local edu-
 17 cational agencies and other individuals, agencies,
 18 and organizations described in section 623(a), to
 19 support systems change activities that benefit, in de-
 20 monstrable and measurable ways, children with dis-
 21 abilities.

22 “(2) ACTIVITIES BENEFITING MULTIPLE
 23 STATES.—To pursue systems change activities that
 24 benefit children with disabilities and their families in
 25 more than 1 State, recipients of such grants may

1 collaborate in carrying out projects under this part
2 through such activities as joint arrangements with 1
3 or more institutions of higher education, sharing of
4 project staff, and joint use of consultants.

5 “(b) TYPES OF GRANTS.—

6 “(1) IN GENERAL.—In awarding grants under
7 subsection (a), the Secretary may award either a
8 planning grant or an implementation grant to a
9 State educational agency applying for funds under
10 this part that forms a partnership described in sec-
11 tion 623(a) that applies for funds under this part.

12 “(2) PLANNING GRANTS.—

13 “(A) APPLICATION.—An applicant may
14 apply under section 623(b) for a planning grant
15 to develop systems change activities.

16 “(B) DURATION.—A planning grant re-
17 ferred to in paragraph (1) shall be for 1 year.

18 “(C) RENEWAL OF 1-YEAR GRANTS.—A
19 grant that has been awarded for 1 year in ac-
20 cordance with subparagraph (B) may be re-
21 newed for 1 additional year.

22 “(3) IMPLEMENTATION GRANTS.—

23 “(A) APPLICATION.—An applicant may
24 apply under section 623(c) for an implementa-

1 tion grant to carry out systems change activi-
2 ties.

3 “(B) DURATION.—An implementation
4 grant referred to in paragraph (1) shall be
5 awarded for a period of not to exceed 5 years.

6 “(c) AMOUNT OF AWARDS.—

7 “(1) CONSIDERATIONS.—In determining the
8 amount of any award under this part for a State
9 educational agency, the Secretary may consider such
10 factors as the Secretary finds appropriate, which
11 may include the size of the school-age population of
12 the State in which the State educational agency is
13 located.

14 “(2) LIMITATION AMOUNT.—Notwithstanding
15 paragraph (1) and except as provided in subsection
16 (d)(2) and section 624—

17 “(A) the annual amount of each planning
18 grant referred to in subsection (b)(1) shall not
19 exceed—

20 “(i) \$100,000 for any State edu-
21 cational agency in a State; or

22 “(ii) \$10,000 for any State edu-
23 cational agency in an outlying area; and

1 “(B) the annual amount of each implemen-
 2 tation grant referred to in subsection (b)(1)
 3 shall be not less than—

4 “(i) \$450,000 for any State edu-
 5 cational agency in a State; or

6 “(ii) \$40,000 for any State edu-
 7 cational agency in an outlying area.

8 “(d) LIMITATIONS AND EXCEPTIONS.—

9 “(1) LIMITATION.—Except as provided in para-
 10 graph (2), no State educational agency may receive
 11 more than 1 award under this part for any fiscal
 12 year.

13 “(2) EXCEPTIONS.—In addition to applying for
 14 an individual implementation grant, a State edu-
 15 cational agency may submit a joint application for
 16 an implementation grant referred to in subsection
 17 (b)(1) with other State educational agency or
 18 partnering entities to address systemic problems on
 19 a regional or national basis. In determining the
 20 amount of any award for such a grant, the Secretary
 21 may set aside the monetary limitations described in
 22 subsection (c).

23 **“SEC. 623. APPLICATION.**

24 “(a) IN GENERAL.—In order to be considered for a
 25 planning grant or an implementation grant under this

1 part, a State educational agency shall establish a partner-
2 ship among members (referred to in this part as the
3 ‘partnering entities’) consisting of local educational agen-
4 cies, and other persons and organizations involved in, or
5 concerned with, the education of children with disabilities,
6 including—

7 “(1) parents of children with disabilities;

8 “(2) individuals with disabilities;

9 “(3) teachers and related services providers;

10 “(4) representatives of institutions of higher
11 education;

12 “(5) representatives of other State agencies in-
13 volved in the financing or delivery of special edu-
14 cation and related services to children with disabil-
15 ities and early intervention services to infants and
16 toddlers with disabilities;

17 “(6) representatives of vocational, community,
18 postsecondary, and business organizations concerned
19 with the provision of transitional services to children
20 with disabilities; and

21 “(7) other individuals as deemed appropriate by
22 the State educational agency.

23 “(b) PLANNING GRANTS.—In order to be considered
24 for a planning grant under this part, a State educational

1 agency, in partnership with the partnering entities, shall
 2 prepare and submit an application to the Secretary that—

3 “(1) describes the planning activities for which
 4 assistance is sought;

5 “(2) describes proposed changes in practices,
 6 procedures, policies, training, or uses of personnel;

7 “(3) describes a partnership agreement that—

8 “(A) specifies the nature and extent of the
 9 partnership, and the respective roles of the
 10 partnering entities in the partnership; and

11 “(B) shall be in effect for the period of the
 12 grant; and

13 “(4) includes such other information and assur-
 14 ances as the Secretary may reasonably require.

15 “(c) IMPLEMENTATION GRANTS.—In order to be con-
 16 sidered for an implementation grant under this part, a
 17 State educational agency, in partnership with the
 18 partnering entities, shall prepare and submit an applica-
 19 tion to the Secretary that—

20 “(1) describes the critical aspects of practices,
 21 procedures, policies, and organizational structures
 22 that will be changed in order to improve educational
 23 and transitional results for children with disabilities,
 24 based on syntheses and analysis of available infor-
 25 mation, such as—

1 “(A) information on the performance of
2 children with disabilities on State assessments
3 and other performance indicators established
4 for all children, such as drop-out rates and
5 graduation rates;

6 “(B) information on State and local needs
7 for professional development for personnel to
8 serve children with disabilities; and

9 “(C) information provided to the State
10 educational agency by the Secretary;

11 “(2) identifies the goals and objectives for the
12 systems change activities to be carried out under the
13 grant and how the goals and objectives relate to the
14 goals established by the State under section
15 612(a)(16);

16 “(3) describes how grant funds will be used in
17 undertaking the systems change activities, and the
18 amount and nature of funds from other sources that
19 will be committed to the systems change activities;

20 “(4) describes the performance indicators that
21 will be adopted or used to measure progress made
22 toward the goals of the systems change activities
23 and toward improved educational and transitional
24 results for children with disabilities;

1 “(5) describes the approach that will be taken,
 2 on an annual basis, to disseminate information on
 3 the progress measured under paragraph (4) to inter-
 4 ested partnering entities within the State partner-
 5 ship and to the Secretary;

6 “(6) describes a partnership agreement speci-
 7 fied in subsection (b)(3); and

8 “(7) includes such other information and assur-
 9 ances as the Secretary may reasonably require.

10 “(d) ADEQUATE PROGRESS.—The Secretary may ter-
 11 minate a grant to a State educational agency under this
 12 part, or require amendments to an approved application
 13 of a State educational agency, if the Secretary determines
 14 that the State educational agency is not making adequate
 15 progress toward the goals of the systems change activities
 16 of the State educational agency under this part.

17 **“SEC. 624. INCENTIVES.**

18 “Notwithstanding section 622(c)(2), the Secretary
 19 may provide additional funds for systems change activi-
 20 ties, if the Secretary approved an application under this
 21 part relating to the activities and—

22 “(1) the application, in addition to meeting the
 23 minimal application requirements, includes evidence
 24 of a significant and substantial level of collaboration
 25 among agencies, organizations, and individuals who

1 have an interest in the quality of educational serv-
2 ices and opportunities and are committed to the full
3 participation of children with disabilities;

4 “(2) the activities described in the application
5 are connected with prereferral programs and other
6 programs designed to prevent the educational failure
7 of children (particularly children who are members
8 of unserved, underserved, or inappropriately identi-
9 fied populations and who are from ethnic back-
10 grounds and geographic areas with significant need)
11 so that the children experience a high level of suc-
12 cess in their educational experience; and

13 “(3) the application demonstrates, in addition
14 to meeting the minimal application requirements, an
15 ongoing effort to assess and address the needs of
16 children with disabilities and ensure the full partici-
17 pation of such children in statewide or districtwide
18 general education systems change activities.

19 **“SEC. 625. AUTHORIZATION OF APPROPRIATIONS.**

20 “For the purpose of carrying out this part, there are
21 authorized to be appropriated \$30,000,000 for fiscal year
22 1998 and such sums as may be necessary for each of fiscal
23 years 1999 through 2002.”.

1 **SEC. 302. REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-**
 2 **THORITIES RELATING TO CENTERS AND**
 3 **SERVICES TO MEET SPECIAL NEEDS OF INDIV-**
 4 **IDUALS WITH DISABILITIES.**

5 (a) REGIONAL CENTERS FOR THE DEAF.—Section
 6 625(a)(6) (20 U.S.C. 1424a(a)(6)) is amended—

7 (1) in the second sentence, by striking “1994”
 8 and inserting “1997”; and

9 (2) by striking the third sentence.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Each of
 11 subsections (a) through (h) of section 628 of such Act (20
 12 U.S.C. 1427) is amended by striking “fiscal year 1994”
 13 and inserting “each of fiscal years 1994 through 1997”.

14 **SEC. 303. EFFECTIVE DATE.**

15 The amendments made by this title, other than the
 16 amendments made by section 302, shall take effect on Oc-
 17 tober 1, 1997.

18 **TITLE IV—RESEARCH AND**
 19 **PERSONNEL PREPARATION**

20 **SEC. 401. IMPROVING EARLY INTERVENTION, EDU-**
 21 **CATIONAL, AND TRANSITIONAL SERVICES**
 22 **AND RESULTS FOR CHILDREN WITH DISABIL-**
 23 **ITIES THROUGH COORDINATED RESEARCH**
 24 **AND PERSONNEL PREPARATION.**

25 Part D (20 U.S.C. 1431 et seq.) is amended to read
 26 as follows:

1 **“PART D—IMPROVING EARLY INTERVENTION,**
2 **EDUCATIONAL, AND TRANSITIONAL SERV-**
3 **ICES AND RESULTS FOR CHILDREN WITH**
4 **DISABILITIES THROUGH COORDINATED RE-**
5 **SEARCH AND PERSONNEL PREPARATION**

6 **“SEC. 631. FINDINGS AND PURPOSE.**

7 “(a) FINDINGS.—Congress finds the following:

8 “(1) The Federal Government has an ongoing
9 obligation to support programs, projects, and activi-
10 ties that contribute to positive results for children
11 with disabilities, enabling the children—

12 “(A) to meet their early intervention, edu-
13 cational, and transitional goals and, to the max-
14 imum extent possible, educational standards
15 that have been established for all children; and

16 “(B) to acquire the skills that will em-
17 power the children with disabilities to lead pro-
18 ductive and independent adult lives.

19 “(2)(A) As a result of more than 20 years of
20 Federal support for research, demonstration
21 projects, and personnel preparation, there is an im-
22 portant knowledge base for improving results for
23 children with disabilities.

24 “(B) Such knowledge should be used by States
25 and local educational agencies to design and imple-
26 ment state-of-the-art educational systems that con-

1 sider the needs of, and include, children with disabil-
2 ities, especially in environments in which the chil-
3 dren can learn along with their peers and achieve re-
4 sults measured by the same standards as the results
5 of their peers.

6 “(3)(A) Continued Federal support is essential
7 for the development and maintenance of a coordi-
8 nated and high-quality program of research, dem-
9 onstration projects, dissemination of information,
10 and personnel preparation.

11 “(B) Such support—

12 “(i) enables State educational agen-
13 cies and local educational agencies to im-
14 prove their educational systems and results
15 for children with disabilities;

16 “(ii) enables State and local agencies
17 to improve early intervention services and
18 results for infants and toddlers with dis-
19 abilities and their families; and

20 “(iii) enhances the opportunities for
21 general and special education personnel,
22 related services personnel, parents, and
23 paraprofessionals to participate in
24 preservice and inservice training, to col-

1 laborate, and to improve results for chil-
2 dren with disabilities and their families.

3 “(4) The Federal Government plays a critical
4 role in facilitating the availability of an adequate
5 number of highly qualified personnel—

6 “(A) to serve effectively the over 5,000,000
7 children with disabilities;

8 “(B) to assume leadership positions in ad-
9 ministrative and direct service capacities related
10 to teacher training and research concerning the
11 provision of early intervention services, special
12 education, and related services; and

13 “(C) to work with children with low-inci-
14 dence disabilities and their families.

15 “(5) The Federal Government performs the role
16 described in paragraph (4)—

17 “(A) by supporting models of personnel de-
18 velopment that reflect successful practice, in-
19 cluding strategies for recruiting, preparing, and
20 retaining personnel;

21 “(B) by promoting the coordination and
22 integration of—

23 “(i) personnel development activities
24 for teachers of children with disabilities;
25 and

1 “(ii) personnel development activities
2 supported under Federal law, other than
3 this part;

4 “(C) by supporting the development and
5 dissemination of information about teaching
6 standards; and

7 “(D) by promoting the coordination and
8 integration of personnel development activities
9 through linkage with systems change activities
10 within States and nationally.

11 “(b) PURPOSE.—The purpose of this part is to pro-
12 vide Federal funding for coordinated research, demonstra-
13 tion projects, outreach, and personnel preparation activi-
14 ties that—

15 “(1) are described in section 633 or 634;

16 “(2) are linked with, and positively affect, sys-
17 tems change outcomes; and

18 “(3) improve early intervention, educational,
19 and transitional results for children with disabilities.

20 **“SEC. 632. DEFINITIONS.**

21 “As used in this part, the term ‘developmental delay’
22 has the meaning given such term by a State under section
23 676(b)(1).

1 **“SEC. 633. RESEARCH AND INNOVATION TO IMPROVE SERV-**
2 **ICES AND RESULTS FOR CHILDREN WITH DIS-**
3 **ABILITIES.**

4 “(a) IN GENERAL.—The Secretary may make grants
5 to, or enter into contracts or cooperative agreements with,
6 eligible entities to produce and advance the use of knowl-
7 edge to—

8 “(1)(A) improve services provided under this
9 Act, including the practices of professionals and oth-
10 ers involved in providing such services to children
11 with disabilities; and

12 “(B) improve early intervention, educational,
13 and transitional services and results, for children
14 with disabilities;

15 “(2) address the special needs of infants and
16 toddlers with disabilities including such infants and
17 toddlers who are at risk of having substantial devel-
18 opmental delays if early intervention services are not
19 provided;

20 “(3) address the specific problems of over-iden-
21 tification and under-identification of children with
22 disabilities in the education of children with disabil-
23 ities;

24 “(4) prevent children with emotional and behav-
25 ioral problems from developing emotional disturb-

1 ances that require the provision of special education
2 and related services; and

3 “(5) improve secondary and postsecondary edu-
4 cation and educational results for children with dis-
5 abilities.

6 “(b) NEW KNOWLEDGE PRODUCTION; AUTHORIZED
7 ACTIVITIES.—In carrying out this section, the Secretary
8 may support any activities that are consistent with the ob-
9 jectives described in subsection (a), including activities
10 that—

11 “(1) expand understanding of the relationships
12 between learning characteristics of children with dis-
13 abilities and the diverse ethnic, cultural, linguistic,
14 social, and economic backgrounds of children with
15 disabilities and their families;

16 “(2) develop or identify innovative, effective,
17 and efficient curricula designs, instructional ap-
18 proaches, and strategies, and develop or identify
19 positive academic and social learning opportunities,
20 that—

21 “(A) enable children with disabilities to
22 make effective transitions described in section
23 643(d)(7) or transitions between educational
24 settings; and

1 “(B) improve educational and transitional
2 results for children with disabilities at all levels
3 of the educational system in which the activities
4 are carried out and, in particular, that improve
5 the progress of the children, as measured by
6 performance expectations within the general
7 education curriculum involved;

8 “(3) advance the design of assessment tools and
9 procedures that will accurately and efficiently deter-
10 mine the special instructional, learning, and behav-
11 ioral needs of children with disabilities, especially
12 within the context of general education;

13 “(4) study and promote improved alignment
14 and compatibility of general and special education
15 reforms concerned with curricular and instructional
16 reform, evaluation and accountability of such re-
17 forms, and administrative procedures;

18 “(5) advance the design, development, and inte-
19 gration of technology, assistive technology devices,
20 media, and materials, to improve early intervention,
21 educational, and transitional services and results, for
22 children with disabilities; and

23 “(6) improve designs, processes, and results, of
24 personnel preparation for personnel who provide
25 services to children with disabilities through the ac-

1 quisition of information on, and implementation of,
2 research-based practices.

3 “(c) INTEGRATION OF RESEARCH AND PRACTICE;
4 AUTHORIZED ACTIVITIES.—In carrying out this section,
5 the Secretary may support any activities that are consist-
6 ent with the objectives described in subsection (a), includ-
7 ing activities that—

8 “(1) demonstrate and apply research-based
9 findings to facilitate systemic changes in policy, pro-
10 cedure, practice, and the training and use of person-
11 nel, related to the provision of services to children
12 with disabilities;

13 “(2) promote and demonstrate the coordination
14 of early intervention and educational services for
15 children with disabilities with services provided by
16 health, rehabilitation, and social service agencies;

17 “(3) identify solutions that overcome systemic
18 barriers to the effective and efficient delivery of
19 early intervention, educational, and transitional serv-
20 ices to children with disabilities;

21 “(4) enable professionals, parents of children
22 with disabilities, and other persons to learn about
23 and implement the findings of research, and success-
24 ful practices developed in model demonstration

1 projects, relating to the provision of services to chil-
2 dren with disabilities; and

3 “(5) conduct outreach, and disseminate infor-
4 mation, relating to successful approaches to over-
5 coming systemic barriers to the effective and effi-
6 cient delivery of early intervention, educational, and
7 transitional services to personnel who provide serv-
8 ices to children with disabilities.

9 “(d) IMPROVING THE USE OF PROFESSIONAL
10 KNOWLEDGE; AUTHORIZED ACTIVITIES.—In carrying out
11 this section, the Secretary may support any activities that
12 are consistent with the objectives described in subsection
13 (a), including activities that—

14 “(1) synthesize professional knowledge bases
15 that utilize rigorous methodologies and that relate to
16 the provision of services to children with disabilities;

17 “(2) analyze such professional knowledge bases
18 to advance an understanding of relationships, and
19 effectiveness of practices, relating to the provision of
20 services to children with disabilities; and

21 “(3) present such professional knowledge bases
22 in a clear and meaningful manner to affected per-
23 sons at all levels of the service systems that serve
24 children with disabilities and their families.

1 “(e) APPLICATIONS.—Any eligible entity that wishes
 2 to receive a grant under this section shall submit an appli-
 3 cation to the Secretary at such time, in such a manner,
 4 and containing such information as the Secretary may re-
 5 quire.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to carry out this section
 8 \$63,000,000 for fiscal year 1998, and such sums as may
 9 be necessary for each of fiscal years 1999 through 2002.

10 **“SEC. 634. PERSONNEL PREPARATION TO IMPROVE SERV-**
 11 **ICES AND RESULTS FOR CHILDREN WITH DIS-**
 12 **ABILITIES.**

13 “(a) IN GENERAL.—

14 “(1) SUPPORT.—The Secretary may make
 15 grants to, or enter into contracts or cooperative
 16 agreements with, eligible entities and consortia of el-
 17 igible entities, to help address State-identified needs
 18 for qualified personnel and to ensure that the per-
 19 sonnel have the skills and knowledge reflecting suc-
 20 cessful practices determined through research and
 21 practice that are needed to serve children with dis-
 22 abilities.

23 “(2) PROJECTS.—In carrying out this section,
 24 the Secretary may support—

1 “(A) projects that address the need for
 2 personnel to serve children with high-incidence
 3 disabilities or children with low-incidence dis-
 4 abilities;

5 “(B) projects that address the need for
 6 leadership personnel;

7 “(C) special projects that have broad appli-
 8 cability in addressing the personnel needs de-
 9 scribed in paragraph (1); and

10 “(D) projects that improve the skills of
 11 personnel who serve children with disabilities
 12 who engage in or are likely to engage in behav-
 13 ior subject to disciplinary action.

14 “(b) HIGH-INCIDENCE DISABILITIES; AUTHORIZED
 15 ACTIVITIES.—In carrying out this section, the Secretary
 16 may support any activities for children with high-incidence
 17 disabilities that are consistent with the objectives referred
 18 to in subsection (a), including activities that—

19 “(1) provide teachers, and related services per-
 20 sonnel, from various disciplines with interdisciplinary
 21 training and training regarding innovative instruc-
 22 tional methods for children with disabilities, espe-
 23 cially methods that meet the diverse needs of indi-
 24 vidual children with disabilities and enable the chil-
 25 dren to be successful, as measured by performance

1 expectations within the general education curriculum
2 involved;

3 “(2) prepare personnel in the use of strategies,
4 techniques, methods, and practices that meet the
5 needs, for early intervention, educational, and transi-
6 tional services, of children with disabilities who are
7 from unserved and underserved populations or from
8 rural or urban areas;

9 “(3) develop career-ladder opportunities for
10 paraprofessionals to receive training as special edu-
11 cation teachers and related services personnel, in-
12 cluding interdisciplinary training to enable the
13 teachers and providers to improve early intervention,
14 educational, and transitional results for children
15 with disabilities;

16 “(4) enhance the ability of trainees, teachers,
17 and others to acquire and use strategies, including
18 behavior management plans, to address the conduct
19 of children with disabilities that impedes their learn-
20 ing and the learning of other students in the class-
21 room involved;

22 “(5) recruit and retain new, highly-qualified
23 teachers and related services personnel, especially
24 from groups that are unserved and underserved pop-
25 ulations in the teaching profession and individuals

1 from rural or urban settings, to provide services to
 2 children with disabilities;

3 “(6) enhance the preparation of individuals who
 4 are teachers, early intervention services personnel,
 5 related services personnel, or paraprofessionals, by
 6 providing such individuals with interdisciplinary
 7 training to develop the collaborative skills needed to
 8 appropriately teach children with disabilities, par-
 9 ticularly in accordance with a general education cur-
 10 riculum; and

11 “(7) support universities and institutions of
 12 higher education with minority enrollments of at
 13 least 25 percent for the purpose of preparing per-
 14 sonnel to work with unserved and underserved popu-
 15 lations of children with disabilities.

16 “(c) LEADERSHIP PREPARATION; AUTHORIZED AC-
 17 TIVITIES.—In carrying out this section the Secretary may
 18 support any leadership preparation activities that are con-
 19 sistent with the objectives described in subsection (a), in-
 20 cluding activities that—

21 “(1) prepare personnel at the advanced grad-
 22 uate, doctoral, and post-doctoral levels of training to
 23 administer, enhance, or provide services to children
 24 with disabilities, with emphasis on preparation of
 25 personnel who are involved with, or will be involved

1 with, efforts to address the needs of unserved and
 2 underserved populations, children with low-incidence
 3 disabilities, and children from rural or urban areas;

4 “(2) provide interdisciplinary training for per-
 5 sonnel from various disciplines, including teacher
 6 preparation faculty, administrators, researchers, su-
 7 pervisors, and other persons, affecting the early
 8 intervention, educational, and transitional services of
 9 children with disabilities;

10 “(3) prepare professionals at the doctoral and
 11 postdoctoral levels at institutions of higher education
 12 that are working toward integrating professional de-
 13 velopment of general education, special education,
 14 and other disciplines; and

15 “(4) prepare professionals at the doctoral and
 16 postdoctoral levels at institutions of higher education
 17 that are successfully recruiting and preparing—

18 “(A) individuals with disabilities; and

19 “(B) individuals from groups that are
 20 underrepresented in education leadership posi-
 21 tions.

22 “(d) LOW-INCIDENCE DISABILITIES; AUTHORIZED
 23 ACTIVITIES.—In carrying out this section, the Secretary
 24 may support any activities for children with low-incidence

1 disabilities that are consistent with the objectives de-
2 scribed in subsection (a), including—

3 “(1) preparing persons who—

4 “(A) have prior training in educational and
5 other related service fields; and

6 “(B) are studying to obtain certificates or
7 licensure that will enable the persons to assist
8 children with disabilities to achieve the objec-
9 tives set out in their individualized education
10 programs described in section 614 and to assist
11 infants and toddlers with disabilities to achieve
12 the outcomes described in their individualized
13 family service plans described in section 677;

14 “(2) providing personnel from various dis-
15 ciplines with interdisciplinary training that will con-
16 tribute to early intervention, educational, and transi-
17 tional results for children with disabilities;

18 “(3) preparing personnel in the innovative uses
19 and application of technology to enhance learning
20 through early intervention, educational, and transi-
21 tional services, by children with disabilities;

22 “(4) preparing personnel to provide early inter-
23 vention services to children with disabilities;

24 “(5) providing scholarships, with necessary sti-
25 pends and allowances, to individuals to assist the in-

1 individuals in preparing to provide services to children
2 with disabilities; and

3 “(6) preparing personnel who work with vis-
4 ually impaired or blind children with disabilities to
5 teach and use braille in the provision of services to
6 such children.

7 “(e) PROJECTS OF NATIONAL SIGNIFICANCE; AU-
8 THORIZED ACTIVITIES.—In carrying out this section, the
9 Secretary may support any activities that are consistent
10 with the objectives described in subsection (a), including
11 activities that—

12 “(1) develop and demonstrate effective and effi-
13 cient practices for preparing personnel to provide
14 services to children with disabilities, including prac-
15 tices that address needs identified through systems
16 change activities funded under part C;

17 “(2) demonstrate the application of significant
18 knowledge derived from research and other sources
19 in the development of programs to prepare personnel
20 to provide services to children with disabilities;

21 “(3) demonstrate models for the preparation of
22 special education and general education personnel,
23 to enable the personnel—

24 “(A) to acquire the collaboration skills nec-
25 essary to assist children with disabilities; and

1 “(B) to achieve results that meet challeng-
 2 ing standards of performance expectations, par-
 3 ticularly performance expectations within the
 4 general education curriculum involved;

5 “(4) demonstrate models that—

6 “(A) provide interdisciplinary training to
 7 individuals within collaborative teams of special
 8 education and general education personnel, re-
 9 lated services personnel, and family members of
 10 children with disabilities; and

11 “(B) enhance the educational experience of
 12 children with disabilities;

13 “(5) demonstrate models that reduce shortages
 14 of teachers, and personnel from other relevant dis-
 15 ciplines, who serve children with disabilities through
 16 reciprocity arrangements between States related to
 17 licensure and certification;

18 “(6) develop, evaluate, and disseminate model
 19 teaching standards for persons working with chil-
 20 dren with disabilities; and

21 “(7) promote the transferability, across State
 22 and local jurisdictions, of licensure and certification
 23 of teachers and administrators working with such
 24 children.

25 “(f) APPLICATIONS.—

1 “(1) IN GENERAL.—Any eligible entity that
2 wishes to receive a grant under this section shall
3 submit an application to the Secretary at such time,
4 in such manner, and containing such information as
5 the Secretary may require.

6 “(2) IDENTIFIED STATE NEEDS.—Any such ap-
7 plication shall include information demonstrating to
8 the satisfaction of the Secretary that the activities
9 described in the application will address needs iden-
10 tified by the States the applicant proposes to serve.

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated \$81,000,000 to carry
13 out this section for fiscal year 1998, and such sums as
14 may be necessary for each of fiscal years 1999 through
15 2002.”.

16 **SEC. 402. CONFORMING AMENDMENTS.**

17 (a) HIGHER EDUCATION ACT OF 1965.—

18 (1) Section 409A(2) of the Higher Education
19 Act of 1965 (20 U.S.C. 1070a–51(2)) is amended by
20 striking “refer students with disabilities and their
21 families to the postsecondary clearinghouse that is
22 authorized under section 633(c) of the Individuals
23 with Disabilities Education Act” and inserting
24 “refer students with disabilities and their families to
25 the activities addressing information preparation and

1 dissemination needs relating to postsecondary serv-
 2 ices that are authorized under section 644(e)(4) of
 3 the Individuals with Disabilities Education Act”.

4 (2) The third sentence of section 483(d) of the
 5 Higher Education Act of 1965 (20 U.S.C. 1090(d))
 6 is amended by striking “refer such students to the
 7 national clearinghouse on postsecondary education
 8 that is authorized under section 633(c) of the Indi-
 9 viduals with Disabilities Education Act” and insert-
 10 ing “refer such students to the activities addressing
 11 information preparation and dissemination needs re-
 12 lating to postsecondary services that are authorized
 13 under section 644(e)(4) of the Individuals with Dis-
 14 abilities Education Act”.

15 (b) GOALS 2000: EDUCATE AMERICA ACT.—Section
 16 402(a)(2)(H) of the Goals 2000: Educate America Act (20
 17 U.S.C. 5912(a)(2)(H)) is amended by striking clause (ii)
 18 and inserting the following:

19 “(ii) parent training and information
 20 centers and community parent training
 21 and information programs authorized
 22 under subsections (b) and (c), respectively,
 23 of section 643 of the Individuals with Dis-
 24 abilities Education Act;”.

25 (c) REHABILITATION ACT OF 1973.—

1 (1) Section 105(b)(1)(A)(ii) of the Rehabilita-
2 tion Act of 1973 (29 U.S.C. 725(b)(1)(A)(ii)) is
3 amended by striking “a parent training and infor-
4 mation center established pursuant to section
5 631(e)(1) of the Individuals with Disabilities Edu-
6 cation Act (20 U.S.C. 1431(e)(1))” and inserting “a
7 parent training and information center or commu-
8 nity parent training and information program au-
9 thorized under subsection (b) or (c), respectively, of
10 section 643 of the Individuals with Disabilities Edu-
11 cation Act”.

12 (2) Paragraphs (4)(A)(i) and (6) of section
13 803(c) of the Rehabilitation Act of 1973 (29 U.S.C.
14 797b(c)) are amended by striking “parent training
15 and information centers established under section
16 631 of the Individuals with Disabilities Education
17 Act (20 U.S.C. 1431)” and inserting “parent train-
18 ing and information centers and community parent
19 training and information programs authorized under
20 subsections (b) and (c), respectively, of section 643
21 of the Individuals with Disabilities Education Act”.

1 **SEC. 403. REAUTHORIZATION FOR FISCAL YEAR 1997 OF AU-**
2 **THORITIES RELATING TO TRAINING PERSON-**
3 **NEL FOR THE EDUCATION OF INDIVIDUALS**
4 **WITH DISABILITIES.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Each of
6 paragraphs (1) through (4) of section 635(a) of such Act
7 (20 U.S.C. 1435(a)) is amended by striking “fiscal year
8 1994” and inserting “each of fiscal years 1994 through
9 1997”.

10 (b) CONFORMING AMENDMENTS.—Each of para-
11 graphs (1) and (3) of section 635(a) of such Act is amend-
12 ed by striking “631(d)” and inserting “631(e)”.

13 **SEC. 404. EFFECTIVE DATE.**

14 The amendments made by this title, other than the
15 amendments made by section 403, shall take effect on Oc-
16 tober 1, 1997.

1 **TITLE V—TECHNICAL ASSIST-**
 2 **ANCE, SUPPORT, AND DIS-**
 3 **SEMINATION OF INFORMA-**
 4 **TION**

5 **SEC. 501. IMPROVING EARLY INTERVENTION, EDU-**
 6 **CATIONAL, AND TRANSITIONAL SERVICES**
 7 **AND RESULTS FOR CHILDREN WITH DISABIL-**
 8 **ITIES THROUGH COORDINATED TECHNICAL**
 9 **ASSISTANCE, SUPPORT, AND DISSEMINATION**
 10 **OF INFORMATION.**

11 The Act (29 U.S.C. 1400 et seq.) is amended—

12 (1) by striking parts E, F, and G; and

13 (2) by inserting the following:

14 **“PART E—IMPROVING EARLY INTERVENTION,**
 15 **EDUCATIONAL, AND TRANSITIONAL SERV-**
 16 **ICES AND RESULTS FOR CHILDREN WITH**
 17 **DISABILITIES THROUGH COORDINATED**
 18 **TECHNICAL ASSISTANCE, SUPPORT, AND**
 19 **DISSEMINATION OF INFORMATION**

20 **“SEC. 641. FINDINGS AND PURPOSES.**

21 **“(a) IN GENERAL.—**Congress finds that—

22 **“(1)** national technical assistance, support, and
 23 dissemination activities are necessary to ensure that
 24 the provisions of parts B and H are fully imple-
 25 mented and achieve early intervention, educational,

1 and transitional results for children with disabilities
2 and their families;

3 “(2) parents, teachers, administrators, and re-
4 lated services personnel need technical assistance
5 and information in a timely, coordinated, and acces-
6 sible manner in order to improve early intervention,
7 educational, and transitional services and results, at
8 the State and local levels for children with disabil-
9 ities and their families;

10 “(3) parent training and information activities
11 have taken on increased importance in efforts to as-
12 sist parents of a child with a disability in dealing
13 with the multiple pressures of rearing such a child
14 and are of particular importance in—

15 “(A)(i) ensuring the involvement of such
16 parents in planning and decisionmaking with
17 respect to early intervention, educational, and
18 transitional services; and

19 “(ii) achieving early intervention, edu-
20 cational, and transitional results for children
21 with disabilities;

22 “(B) providing such parents information
23 on their rights and protections under this Act
24 to ensure improved early intervention, edu-

1 cational, and transitional results for children
2 with disabilities;

3 “(C) assisting such parents in the develop-
4 ment of skills to participate effectively in the
5 education and development of their children and
6 in the transitions described in section
7 643(d)(7);

8 “(D) supporting the roles of such parents
9 as participants within systems change partner-
10 ships seeking to improve early intervention,
11 educational, and transitional services and re-
12 sults, for children with disabilities and their
13 families; and

14 “(E) ensuring that such parents who have
15 limited access to services and supports, due to
16 economic, cultural, or linguistic barriers, are
17 provided with access to appropriate parent
18 training and information activities;

19 “(4) children with disabilities need information
20 that helps the children to understand their rights
21 and responsibilities under part B;

22 “(5) the provision of coordinated technical as-
23 sistance and dissemination of information to State
24 and local agencies, institutions of higher education,

1 and other providers of services to children with dis-
2 abilities are essential in—

3 “(A) supporting the process of achieving
4 systems change outcomes;

5 “(B) supporting actions in areas of priority
6 specific to the improvement of early interven-
7 tion, educational, and transitional results for
8 children with disabilities;

9 “(C) conveying information and assistance
10 that are—

11 “(i) based on current research (as of
12 the date the information and assistance
13 are conveyed);

14 “(ii) accessible and meaningful for use
15 in supporting systems change activities of
16 State and local partnerships; and

17 “(iii) linked directly to improving
18 early intervention, educational, and transi-
19 tional services and results, for children
20 with disabilities and their families; and

21 “(D) organizing systems and information
22 networks for such information, based on mod-
23 ern technology related to—

24 “(i) storing and gaining access to in-
25 formation; and

1 “(ii) distributing information in a sys-
2 tematic manner to parents, students, pro-
3 fessionals, and policymakers;

4 “(6) Federal support for carrying out tech-
5 nology research, technology development, and edu-
6 cational media services and activities has resulted in
7 major innovations that have significantly improved
8 early intervention, educational, and transitional serv-
9 ices and results, for children with disabilities and
10 their families; and

11 “(7) such Federal support is needed to—

12 “(A) stimulate the development of soft-
13 ware, interactive learning tools, and devices to
14 address early intervention, educational, and
15 transitional results for children with disabilities
16 who have certain disabilities;

17 “(B) make information available on tech-
18 nology research, technology development, and
19 educational media services and activities to in-
20 dividuals involved in the provision of early
21 intervention, educational, and transitional serv-
22 ices to children with disabilities;

23 “(C) promote the integration of technology
24 into curricula to improve early intervention,

1 educational, and transitional results for children
2 with disabilities;

3 “(D) provide incentives for the develop-
4 ment of technology and media devices and tools
5 that are not readily found or available because
6 of the small size of potential markets;

7 “(E) make resources available to pay for
8 such devices and tools and educational media
9 services and activities;

10 “(F) promote the training of personnel
11 to—

12 “(i) provide such devices, tools, serv-
13 ices, and activities in a competent manner;
14 and

15 “(ii) assist children with disabilities
16 and their families in using such devices,
17 tools, services, and activities; and

18 “(G) coordinate the provision of such de-
19 vices, tools, services, and activities—

20 “(i) among State human services pro-
21 grams; and

22 “(ii) between such programs and pri-
23 vate agencies.

24 “(b) PURPOSES.—The purposes of this part are to
25 provide funding to ensure that—

1 “(1) children with disabilities, and their par-
2 ents, receive training and information on their rights
3 and protections under the Act, in order to develop
4 the skills necessary to effectively participate in plan-
5 ning and decisionmaking relating to early interven-
6 tion, educational, and transitional services and in
7 systems change activities;

8 “(2) parents, teachers, administrators, early
9 intervention personnel, related services personnel,
10 and transition personnel receive coordinated and ac-
11 cessible technical assistance and information to as-
12 sist such persons through systems change activities
13 and other efforts, to improve early intervention, edu-
14 cational, and transitional services and results, for
15 children with disabilities and their families;

16 “(3) appropriate technology and media are re-
17 searched, developed, demonstrated, and made avail-
18 able in timely and accessible formats to parents,
19 teachers, and all types of personnel providing serv-
20 ices to children with disabilities to support their
21 roles as partners in the improvement and implemen-
22 tation of early intervention, educational, and transi-
23 tional services and results, for children with disabil-
24 ities and their families;

1 “(4) children with disabilities understand (on
2 reaching the age of majority specified under appro-
3 priate State law) their rights and responsibilities
4 under part B, if the State provides for the transfer
5 of parental rights under section 615(j); and

6 “(5) the general welfare of deaf and hard-of-
7 hearing individuals is protected by—

8 “(A) bringing to such individuals under-
9 standing and appreciation of the films and tele-
10 vision programs that play an important part in
11 the general and cultural advancement of hear-
12 ing individuals;

13 “(B) providing through the films and tele-
14 vision programs enriched educational and cul-
15 tural experiences through which deaf and hard-
16 of-hearing individuals can better understand the
17 realities of their environment; and

18 “(C) providing wholesome and rewarding
19 experiences that deaf and hard-of-hearing indi-
20 viduals may share.

21 **“SEC. 642. DEFINITIONS.**

22 “As used in this part:

23 “(1) INDIVIDUAL WITH A DISABILITY; INDIVID-
24 UALS WITH DISABILITIES.—The terms ‘individual
25 with a disability’ and ‘individuals with disabilities’

1 have the meanings given the terms in section 3 of
 2 the Technology-Related Assistance for Individuals
 3 With Disabilities Act of 1988 (29 U.S.C. 2202).

4 “(2) PARTNERING ENTITY.—The term
 5 ‘partnering entity’ means an entity of a partnership
 6 described in section 623(a).

7 **“SEC. 643. PARENT TRAINING AND INFORMATION.**

8 “(a) IN GENERAL.—

9 “(1) GRANTS.—

10 “(A) AUTHORITY.—The Secretary may
 11 make grants to, or enter into contracts or coop-
 12 erative agreements with, private, nonprofit or-
 13 ganizations for the purpose of providing parent
 14 training and information activities for parents
 15 of children with disabilities, and persons who
 16 work with such parents, to enable the parents
 17 and persons to participate in, and conduct ad-
 18 vocacy for, effective ways, including mediation,
 19 to meet the needs of and improve early inter-
 20 vention, educational, and transitional results for
 21 children with disabilities.

22 “(B) CENTERS AND PROGRAMS.—Such ac-
 23 tivities may be provided—

24 “(i) by an organization that operates
 25 or intends, if funded, to operate a parent

1 training and information center described
2 in subsection (b); and

3 “(ii) by a parent organization that op-
4 erates or intends, if funded, to operate a
5 community parent training and informa-
6 tion program described in subsection (c)
7 that is designed specifically to build capac-
8 ity of persons who work with parents of
9 children with disabilities who are members
10 of unserved and underserved populations,
11 to demonstrate and assist in the replica-
12 tion of models for such activities, and to
13 provide such activities to address the needs
14 of such parents.

15 “(C) PROPOSAL.—The Secretary shall
16 make such a grant to an organization that pro-
17 poses activities that are designed to meet the
18 unique training and information needs, as de-
19 termined by needs assessment data, of parents
20 of children with disabilities who are living in the
21 area to be served under the grant, particularly
22 parents of children with disabilities who are
23 members of unserved and underserved popu-
24 lations.

1 “(2) ELIGIBLE ORGANIZATIONS; MEMBERSHIP
2 AND GOVERNANCE.—To be eligible to apply for a
3 grant under this section, an organization—

4 “(A) shall be governed by a board of direc-
5 tors that—

6 “(i) represents a coalition, of which a
7 majority of the members are parents of
8 children with disabilities, particularly par-
9 ents of children with disabilities who are
10 members of unserved and underserved pop-
11 ulations; and

12 “(ii) includes—

13 “(I) professionals in fields related
14 to the provision of early intervention
15 services, special education, and related
16 services; and

17 “(II) individuals with disabilities;
18 or

19 “(B) shall have a membership that rep-
20 resents the interests of individuals with disabil-
21 ities, and shall establish a special governing
22 committee—

23 “(i) of which a majority of the mem-
24 bers are parents of infants and toddlers

1 with disabilities or of children with disabili-
2 ties;

3 “(ii) that includes—

4 “(I) professionals in fields related
5 to the provision of early intervention
6 services, special education, and related
7 services; and

8 “(II) individuals with disabilities;

9 and

10 “(iii) of which the parent and profes-
11 sional members are broadly representative
12 of the population to be served by the orga-
13 nization.

14 “(3) ELIGIBLE ORGANIZATIONS; CAPACITY AND
15 EXPERTISE.—To be eligible to apply for a grant
16 under this section, an organization shall demonstrate
17 the capacity and expertise necessary—

18 “(A) to conduct the parent training and
19 information activities described in paragraph
20 (1); and

21 “(B) to work with partnering entities car-
22 rying out State systems change activities under
23 part C, seeking to improve early intervention,
24 educational, and transitional services and re-
25 sults, for children with disabilities.

1 “(b) PARENT TRAINING AND INFORMATION CEN-
2 TERS; AUTHORIZED ACTIVITIES.—Each organization that
3 receives a grant under subsection (a) to operate a parent
4 training and information center shall—

5 “(1) provide parent training and information
6 activities that meet the training and information
7 needs of all parents of children with disabilities liv-
8 ing in the area to be served under the grant, par-
9 ticularly parents of children with disabilities who are
10 members of unserved and underserved populations;

11 “(2) serve the parents of children with disabil-
12 ities who, collectively, have the full range of disabil-
13 ities;

14 “(3) assist the parents of children with disabil-
15 ities in better understanding the nature of the dis-
16 abilities of their children and the needs of their chil-
17 dren to obtain improved early intervention, edu-
18 cational, and transitional services and results;

19 “(4) assist such parents in communicating ef-
20 fectively with early intervention services personnel,
21 general and special education personnel, administra-
22 tors, and other relevant persons;

23 “(5) assist such parents in participating in deci-
24 sionmaking processes, including the development of
25 individualized education programs under part B and

1 individualized family service plans under part H, for
2 children with disabilities;

3 “(6) assist such parents in obtaining appro-
4 priate information about the range of options, pro-
5 grams, supports, and resources available at national,
6 State, and local levels to assist children with disabil-
7 ities and their families;

8 “(7) assist such parents in understanding provi-
9 sions of this Act relating to the education of, and
10 provision of early intervention services for, children
11 with disabilities;

12 “(8) assist such parents in participating as in-
13 formed participants in State systems change activi-
14 ties, especially systems change activities funded
15 under part C;

16 “(9) ensure that parents of children who are
17 members of unserved and underserved populations,
18 or of inappropriately identified populations, and who
19 are being referred for or are receiving special edu-
20 cation services, are informed about problems con-
21 nected with inappropriately identifying such children
22 as described in section 602(a)(13);

23 “(10) assist children with disabilities, particu-
24 larly such children who are members of unserved
25 and underserved populations, in understanding their

1 rights and responsibilities under this Act on reach-
2 ing the age of majority for the State in which such
3 a child resides, if the State provides for the transfer
4 of parental rights under section 615(j) to the chil-
5 dren;

6 “(11) report to the Secretary on—

7 “(A) the number of such parents for whom
8 the organization provided parent training and
9 information activities; and

10 “(B) the effectiveness of strategies used to
11 reach and serve such parents, including low-in-
12 come parents from urban areas, low-income
13 parents from rural areas, parents of children
14 with disabilities with limited-English pro-
15 ficiency, and parents with disabilities;

16 “(12) establish cooperative partnerships with all
17 other entities operating parent training and informa-
18 tion centers, including community parent training
19 and information programs described in subsection
20 (c), in the State in which the organization is operat-
21 ing a parent training and information center; and

22 “(13) consult and establish networks with ap-
23 propriate national, regional, and local agencies and
24 organizations, such as protection and advocacy agen-
25 cies, within the geographic area served by the orga-

1 nization, that serve or assist children with disabil-
2 ities and their families.

3 “(c) COMMUNITY PARENT TRAINING AND INFORMA-
4 TION PROGRAMS; AUTHORIZED ACTIVITIES.—

5 “(1) IN GENERAL.—Each parent organization
6 that receives a grant under subsection (a) to carry
7 out a community parent training and information
8 program shall build the capacity, demonstrate and
9 assist in the replication of the models, and provide
10 the activities described in subsection (a)(1)(B)(ii).

11 “(2) PARENTS ASSISTED.—Each such grant re-
12 cipient shall build such capacity, demonstrate and
13 assist in the replication of such models, and provide
14 such activities, in a manner that will help ensure
15 that parents of children with disabilities who are
16 members of unserved and underserved populations
17 participate in parent training and information activi-
18 ties.

19 “(3) OBJECTIVES.—The services described in
20 paragraph (1) shall result in new capacity, dem-
21 onstrated and replicated models, and training and
22 information activities, needed to enable the parents
23 described in paragraph (2) to participate effectively
24 in helping their children with disabilities and to
25 serve as informed participants in systems change

1 partnerships within their State, leading to improved
2 early intervention, educational, and transitional serv-
3 ices and results, for all children with disabilities and
4 their families.

5 “(4) COMMUNITY TRAINING AND INFORMATION
6 ACTIVITIES.—Such services shall—

7 “(A) include capacity building, demonstra-
8 tion and replication of models, and the provi-
9 sion of training and information activities, that
10 meet the needs of parents of children with dis-
11 abilities who are members of unserved and un-
12 derserved populations;

13 “(B) include activities carried out through
14 cooperative partnerships with the parent train-
15 ing and information centers;

16 “(C) include accommodations and strate-
17 gies to meet the specific needs of families who
18 experience significant isolation from available
19 sources of information and support;

20 “(D) demonstrate, utilize, and document
21 the use and effectiveness of, model approaches
22 to address the multiple needs of children with
23 disabilities who are members of unserved and
24 underserved populations; and

1 “(E) ensure that parents of children who
2 are members of unserved and underserved pop-
3 ulations, or of inappropriately identified popu-
4 lations, and who are being referred for or are
5 receiving special education services, are in-
6 formed about problems connected with inappro-
7 priately identifying such children as described
8 in section 602(a)(13).

9 “(5) REPORT.—Each parent organization that
10 receives a grant under subsection (a) to operate a
11 community parent training and information program
12 shall report to the Secretary on—

13 “(A) the number of parents of children
14 with disabilities who are members of unserved
15 and underserved populations for whom the or-
16 ganization provided parent training and infor-
17 mation activities;

18 “(B) the effectiveness and impact of strat-
19 egies used to reach and serve such parents; and

20 “(C) the impact of the increased capacity
21 described in subsection (a)(1)(B)(ii) the provi-
22 sion of parent training and information activi-
23 ties and improved early intervention, edu-
24 cational, and transitional results for such chil-
25 dren.

1 “(d) TECHNICAL ASSISTANCE; AUTHORIZED ACTIVI-
2 TIES.—The Secretary may provide technical assistance to
3 organizations to develop, coordinate, and disseminate the
4 following priority parent training and information activi-
5 ties:

6 “(1) Coordinating parent training efforts.

7 “(2) Providing or helping to disseminate infor-
8 mation to centers funded under this part.

9 “(3) Assisting the centers in evaluating their
10 activities under this part.

11 “(4) Promoting the use of technology by the
12 centers to make information available.

13 “(5) Reaching parents of children with disabil-
14 ities who are members of unserved and underserved
15 populations.

16 “(6) Including children with disabilities in gen-
17 eral education programs.

18 “(7)(A) Supporting the transition of children
19 with disabilities from—

20 “(i) early intervention services to pre-
21 school;

22 “(ii) preschool to elementary school; and

23 “(iii) secondary school to postsecondary
24 school and employment.

“(B) Promoting mediation and alternative
methods of dispute resolution for children with dis-
abilities.

“(8) Assisting parent training and information centers in becoming effective partners in State systems change activities, leading to improved early intervention, educational, and transitional results for children with disabilities.

9 “(e) APPLICATIONS.—Any eligible entity that wishes
10 to receive a grant under this section shall submit an appli-
11 cation to the Secretary at such time, in such manner, and
12 containing such information as the Secretary may require.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$13,600,000 for fiscal year 1998, and such sums as may be necessary for each of fiscal years 1999 through 2002.

17 **“SEC. 644. COORDINATED TECHNICAL ASSISTANCE AND**
18 **DISSEMINATION.**

19 “(a) IN GENERAL.—The Secretary may, directly or
20 through grants, contracts, and cooperative agreements
21 with eligible entities, provide technical assistance and in-
22 formation through institutes, resource centers, clearing-
23 houses, and programs that support States and local enti-
24 ties in building capacity to improve early intervention,
25 educational, and transitional services and results, for chil-

1 dren with disabilities and their families, and address sys-
2 tems change goals and priorities.

3 “(b) SYSTEMIC TECHNICAL ASSISTANCE; AUTHOR-
4 IZED ACTIVITIES.—In carrying out this section, the Sec-
5 retary may carry out or support any technical assistance
6 activities that are consistent with the objectives described
7 in subsection (a), including activities that—

8 “(1) assist States, local educational agencies,
9 and partnering entities with the process of planning
10 systemic changes that will promote improved early
11 intervention, educational, and transitional results for
12 children with disabilities;

13 “(2) promote change through a multistate or
14 regional framework that benefits States, local edu-
15 cational agencies, and partnering entities that are in
16 the process of achieving systems change outcomes;

17 “(3) increase the depth and utility of informa-
18 tion in ongoing and emerging areas of priority iden-
19 tified as needs by States, local educational agencies,
20 and partnering entities, that are in the process of
21 achieving systems change outcomes;

22 “(4) develop long-term working relationships
23 with States, local educational agencies, and other
24 partnering entities, by—

1 “(A) developing familiarity with the prac-
 2 tices, procedures, and policies of the States,
 3 agencies, and entities;

4 “(B) providing services that are based on
 5 the needs and concerns identified by the
 6 partnering entities, rather than on externally
 7 imposed criteria or topics;

8 “(C) focusing on accountability of the
 9 States, agencies, and entities for improved early
 10 intervention, educational, and transitional re-
 11 sults for children with disabilities; and

12 “(D) coordinating with clearinghouses to
 13 disseminate information and data on needs and
 14 results of children with disabilities.

15 “(c) INTERORGANIZATIONAL TECHNICAL ASSIST-
 16 ANCE; AUTHORIZED ACTIVITIES.—In carrying out this
 17 section, the Secretary may carry out or support any activi-
 18 ties that are consistent with the objectives described in
 19 subsection (a), including activities for States, local edu-
 20 cational agencies, and other partnering entities, that—

21 “(1) focus on major requirement areas of this
 22 Act in which interorganizational issues are present
 23 and are perceived to be barriers to systemic change
 24 and to improved early intervention, educational, and
 25 transitional results for children with disabilities;

1 “(2) facilitate interorganizational collaboration
2 at Federal, State, and local levels in order to achieve
3 such change and such improved results; and

4 “(3) consist of extensive collaboration with
5 noneducation entities (such as entities that provide
6 services for infants, early intervention services, men-
7 tal health services, health services, and vocational re-
8 habilitation services) in order to facilitate systems
9 change outcomes and the improvement of early
10 intervention, educational, and transitional results for
11 children with disabilities.

12 “(d) SPECIALIZED TECHNICAL ASSISTANCE; AU-
13 THORIZED ACTIVITIES.—In carrying out this section, the
14 Secretary may carry out or support any activities that are
15 consistent with the objectives described in subsection (a),
16 including activities that—

17 “(1) focus on specific areas of high priority
18 need that—

19 “(A) are identified by States, local edu-
20 cational agencies, and other partnering entities;

21 “(B) require the development of new
22 knowledge, or the analysis and synthesis of sub-
23 stantial bodies of information not readily avail-
24 able to the States, agencies, and entities; and

1 “(C) will contribute significantly to the im-
 2 provement of early intervention, educational,
 3 and transitional services and results, for chil-
 4 dren with disabilities and their families;

5 “(2) focus on needs and issues that are specific
 6 to a population of children with disabilities, such as
 7 the provision of single State and multi-State tech-
 8 nical assistance and inservice training to—

9 “(A) schools and agencies serving deaf-
 10 blind children and their families; and

11 “(B) programs and agencies serving other
 12 groups of children with low-incidence disabilities
 13 and their families; and

14 “(3) address the postsecondary education needs
 15 of individuals who are deaf or hard of hearing
 16 through the operation of 4 model regional center
 17 programs.

18 “(e) NATIONAL INFORMATION DISSEMINATION AND
 19 REFERRAL; AUTHORIZED ACTIVITIES.—In carrying out
 20 this section, the Secretary may carry out or support infor-
 21 mation dissemination and referral activities that are con-
 22 sistent with the objectives described in subsection (a), in-
 23 cluding activities that address national needs for the prep-
 24 aration and dissemination of information relating to elimi-
 25 nating barriers to systems change outcomes and improving

1 early intervention, educational, and transitional results for
2 children with disabilities, including information relating
3 to—

4 “(1) infants and toddlers with disabilities and
5 their families, and children with disabilities (includ-
6 ing youth with disabilities) and their families;

7 “(2) the provision of services and supports to
8 deaf-blind children;

9 “(3) the provision of services to blind and print
10 disabled children;

11 “(4) the provision of postsecondary services to
12 individuals with disabilities; and

13 “(5) the need for and use of personnel to pro-
14 vide services to children with disabilities.

15 “(f) NATIONAL TECHNICAL ASSISTANCE AND DIS-
16 SEMINATION COORDINATION ACTIVITIES; AUTHORIZED
17 ACTIVITIES.—In carrying out this section, the Secretary
18 may carry out or support any activities that are consistent
19 with the objectives described in subsection (a), including
20 activities that—

21 “(1) link and coordinate activities of—

22 “(A) all information and technical assist-
23 ance programs funded under this Act; and

24 “(B) other programs that support systems
25 change outcomes, including programs that in-

1 involve early intervention, educational, or transi-
2 tional services;

3 “(2) coordinate national level information on is-
4 sues that—

5 “(A) are of critical interest to State edu-
6 cational agencies and local educational agencies,
7 other agency personnel, parents of children with
8 disabilities, and individuals with disabilities;
9 and

10 “(B) include issues relating to—

11 “(i) educational reform and systemic
12 change within States;

13 “(ii) interorganizational collaboration
14 and service provision;

15 “(iii) personnel recruitment, retention,
16 and preparation;

17 “(iv) services for populations of chil-
18 dren with low-incidence disabilities, includ-
19 ing deaf-blind children, and targeted age
20 groupings;

21 “(v) promoting schools that are safe
22 and conducive to learning; and

23 “(vi) State lead agencies that serve in-
24 fants and toddlers with disabilities;

1 “(3) provide information on organizing systems
2 and information networks, concerning information
3 retrieval and dissemination; and

4 “(4) provide information concerning the value
5 and effectiveness of technical assistance and dissemi-
6 nation activities and their impact on improved early
7 intervention, educational, and transitional services
8 and results, for children with disabilities and their
9 families.

10 “(g) APPLICATIONS.—An eligible entity that wishes
11 to receive a grant under this section shall submit an appli-
12 cation to the Secretary at such time, in such manner, and
13 containing such information as the Secretary may require.

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$49,434,000 for fiscal year 1998, and such sums as may
17 be necessary for each of fiscal years 1999 through 2002.

18 **“SEC. 645. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,**

19 **AND UTILIZATION AND MEDIA SERVICES.**

20 “(a) IN GENERAL.—The Secretary may make grants
21 to, and enter into contracts and cooperative agreements
22 with, eligible entities and consortia of eligible entities, to
23 support activities described in subsections (b) and (c).

24 “(b) TECHNOLOGY DEVELOPMENT, DEMONSTRA-
25 TION AND UTILIZATION; AUTHORIZED ACTIVITIES.—In

1 carrying out this section, the Secretary may support ac-
2 tivities that consist of—

3 “(1) conducting research and development ac-
4 tivities on the use of innovative and emerging tech-
5 nologies for children with disabilities;

6 “(2) promoting the demonstration and use of
7 innovative and emerging technologies for children
8 with disabilities by improving and expanding the
9 transfer of technology from research and develop-
10 ment to practice;

11 “(3) providing technical assistance to recipients
12 of assistance under this section in the development
13 of accessible, effective, and usable products;

14 “(4) communicating information on available
15 technology and the uses of such technology to assist
16 children with disabilities;

17 “(5) supporting the implementation of research
18 programs on captioning or video description;

19 “(6) supporting research, development, and dis-
20 semination of technology with universal design fea-
21 tures, so that the technology is accessible to children
22 with disabilities without further modification or ad-
23 aptation; and

24 “(7) demonstrating the use of publicly funded
25 telecommunications systems to provide parents and

1 teachers with information and training concerning
2 early diagnosis of, intervention for, and effective
3 teaching strategies for young children with reading
4 disabilities.

5 “(c) EDUCATIONAL MEDIA SERVICES; AUTHORIZED
6 ACTIVITIES.—In carrying out this section, the Secretary
7 may support activities that consist of—

8 “(1) carrying out educational media activities
9 that are designed to be of educational value to chil-
10 dren with disabilities;

11 “(2) providing video description, open caption-
12 ing, or closed captioning of television programs, vid-
13 eos, or educational materials;

14 “(3) distributing captioned and described videos
15 or educational materials;

16 “(4) providing, through the national education
17 library for the blind and print-disabled, recorded
18 free educational materials, including textbooks, for
19 visually impaired and print-disabled students in ele-
20 mentary, secondary, postsecondary, and graduate
21 schools;

22 “(5) providing, through the National Theater of
23 the Deaf and other means, cultural experiences—

24 “(A) enriching the lives of deaf and hard-
25 of-hearing children and adults;

1 “(B) increasing public awareness and un-
2 derstanding of deafness and of the artistic and
3 intellectual achievements of deaf and hard-of-
4 hearing persons; and

5 “(C) promoting the integration of hearing,
6 deaf, and hard-of-hearing persons through
7 shared cultural, educational, and social experi-
8 ences; and

9 “(6) compiling and evaluating appropriate data
10 relating to the activities described in paragraphs (1)
11 through (5).

12 “(d) APPLICATIONS.—Any eligible entity that wishes
13 to receive a grant under this section shall submit an appli-
14 cation to the Secretary at such time, in such manner, and
15 containing such information as the Secretary may require.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$30,000,000 for fiscal year 1998, and such sums as may
19 be necessary for each of fiscal years 1999 through 2002.”.

20 **SEC. 502. CONFORMING AMENDMENTS.**

21 (a) INDIVIDUALS WITH DISABILITIES EDUCATION
22 ACT.—Section 715 (20 U.S.C. 1491n) is amended by
23 striking “nothing in parts A through H of this title” and
24 inserting “no provision of this title, other than a provision
25 of this part,”.

1 (b) DEVELOPMENTAL DISABILITIES ASSISTANCE
2 AND BILL OF RIGHTS ACT.—Section 124(c)(4)(F)(ii) of
3 the Developmental Disabilities Assistance and Bill of
4 Rights Act (42 U.S.C. 6024(c)(4)(F)(ii)) is amended by
5 striking “part D” and inserting “part E”.

6 **SEC. 503. REAUTHORIZATIONS FOR FISCAL YEAR 1997.**

7 (a) REAUTHORIZATION FOR FISCAL YEAR 1997 OF
8 AUTHORITIES RELATING TO RESEARCH IN THE EDU-
9 CATION OF INDIVIDUALS WITH DISABILITIES.—Section
10 643 of the Individuals with Disabilities Education Act (20
11 U.S.C. 1443) is amended by striking “fiscal year 1994”
12 and inserting “each of fiscal years 1994 through 1997”.

13 (b) REAUTHORIZATION FOR FISCAL YEAR 1997 OF
14 AUTHORITIES RELATING TO INSTRUCTIONAL MEDIA FOR
15 INDIVIDUALS WITH DISABILITIES.—Section 653 of the
16 Individuals with Disabilities Education Act (20 U.S.C.
17 1454) is amended by striking “fiscal year 1994” and in-
18 serting “each of fiscal years 1994 through 1997”.

19 (c) REAUTHORIZATION FOR FISCAL YEAR 1997 OF
20 AUTHORITIES RELATING TO TECHNOLOGY, EDU-
21 CATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS
22 WITH DISABILITIES.—Section 662 of the Individuals with
23 Disabilities Education Act (20 U.S.C. 1462) is amended
24 by striking “fiscal year 1994” and inserting “each of fiscal
25 years 1994 through 1997”.

1 **SEC. 504. EFFECTIVE DATE.**

2 The amendments made by this title, other than the
3 amendments made by section 503, shall take effect on Oc-
4 tober 1, 1997.

5 **TITLE VI—INFANTS AND**
6 **TODDLERS WITH DISABILITIES**

7 **SEC. 601. FINDINGS AND POLICY.**

8 Section 671(b) (20 U.S.C. 1471(b)) is amended—

9 (1) in paragraph (1), by striking “program”
10 and inserting “system”;

11 (2) at the end of paragraph (2), by striking
12 “and”;

13 (3) in paragraph (3), by striking the period and
14 inserting “, and”; and

15 (4) by adding at the end the following:

16 “(4) to encourage States to expand opportuni-
17 ties for infants and toddlers with disabilities who are
18 at risk of having substantial developmental delays if
19 early intervention services are not provided to the in-
20 fants and toddlers.”.

21 **SEC. 602. DEFINITIONS.**

22 (a) **INFANT OR TODDLER WITH A DISABILITY.**—Sec-
23 tion 672(1) (20 U.S.C. 1472(1)) is amended—

24 (1) by striking “(1)” and inserting “(4) IN-
25 FANT OR TODDLER WITH A DISABILITY.—”;

26 (2) in the matter preceding subparagraph (A)—

1 (A) by striking “The term ‘infants and
 2 toddlers with disabilities’ means individuals”
 3 and inserting “The term ‘infant or toddler with
 4 a disability’ means a child”; and

5 (B) by striking “birth to age 2, inclusive,
 6 who need early intervention services because
 7 they” and inserting “birth through age 2 needs
 8 early intervention services because the child”;

9 (3) in subparagraph (A), by striking “are expe-
 10 riencing developmental delays” and inserting “is ex-
 11 perienicing a developmental delay”;

12 (4) in subparagraph (B)—

13 (A) by striking “have” and inserting
 14 “has”; and

15 (B) by striking “which” and inserting
 16 “that”; and

17 (5) by striking the second sentence and insert-
 18 ing the following: “Such term may also include, at
 19 the discretion of a State, a child from birth through
 20 age 2 who is at risk of having a substantial devel-
 21 opmental delay if early intervention services are not
 22 provided (referred to individually in this part as an
 23 ‘at risk infant or toddler’ and collectively in this part
 24 as ‘at risk infants and toddlers’).”.

1 (b) HEADINGS.—Section 672 (20 U.S.C. 1472) is
2 amended—

3 (1) by striking all that precedes paragraph (4)
4 (as redesignated in subsection (a)) and inserting the
5 following:

6 **“SEC. 672. DEFINITIONS.**

7 “As used in this part:”;

8 (2) in paragraph (2), by striking “(2)” and in-
9 serting “(3) EARLY INTERVENTION SERVICES.—”;

10 (3) in paragraph (3), by striking “(3)” and in-
11 serting “(2) DEVELOPMENTAL DELAY.—”;

12 (4) in paragraph (4), by striking “(4)” and in-
13 serting “(1) COUNCIL.—”;

14 (5) by moving paragraph (2) (as redesignated
15 in paragraph (3)) to the end of the section;

16 (6) by moving paragraph (3) (as redesignated
17 in paragraph (2)) to the end of the section; and

18 (7) by moving paragraph (4) (as redesignated
19 in subsection (a)) to the end of the section.

20 (c) INFANTS AND TODDLERS WITH DISABILITIES.—

21 Section 672 (20 U.S.C. 1472) is amended by adding at
22 the end the following:

23 “(5) INFANTS AND TODDLERS WITH DISABIL-
24 ITIES.—The term ‘infants and toddlers with disabil-

ities’ means more than 1 infant or toddler with a disability.”.

SEC. 603. GENERAL AUTHORITY.

Section 673 (20 U.S.C. 1473) is amended by striking “develop” and inserting “implement”.

SEC. 604. ELIGIBILITY.

Section 674 (20 U.S.C. 1474) is amended—

(1) by striking the heading and inserting the following:

“ELIGIBILITY”;

and

(2) by striking “State has established” and all that follows and inserting “State has in effect the statewide system that is required by section 676.”.

SEC. 605. CONTINUING ELIGIBILITY.

Section 675 (20 U.S.C. 1475) is repealed.

SEC. 606. REQUIREMENTS FOR STATEWIDE SYSTEM.

(a) IN GENERAL.—Section 676(a) (20 U.S.C. 1476(a)) is amended—

(1) by striking “statewide system of” and inserting “statewide,”; and

(2) by striking “programs providing” and inserting “system that provides”.

(b) MINIMUM COMPONENTS.—Section 676(b) (20 U.S.C. 1476(b)) is amended—

1 (1) in paragraph (1), by striking “developmentally delayed” and inserting “developmental delay”;

2 (2) by striking paragraph (2) and inserting the
3 following:

4 “(2) a State policy in effect ensuring that appropriate early intervention services are available to
5 all infants and toddlers with disabilities (including
6 Indian infants and toddlers with disabilities on reservations) in the State and their families,”;

7 (3) in paragraph (6), by striking “infants with”
8 and inserting “infants and toddlers with”;

9 (4) in paragraph (8)—

10 (A) in the matter preceding subparagraph
11 (A), by striking “613(a)(3)” and inserting
12 “612(a)(14)”;

13 (B) in subparagraph (C), by inserting after
14 “rural areas” the following: “and inner city
15 areas”; and

16 (C) in subparagraph (D), by striking “a
17 preschool program under section 619 of part
18 B.” and inserting “preschool or other appropriate services,”;

19 (5) at the end of paragraph (13), by striking
20 “and”;

1 (6) in paragraph (14), by striking “on the num-
 2 bers of infants” and all that follows and inserting
 3 “that is requested by the Secretary under section
 4 618 and that relates to this part, and”; and

5 (7) by adding at the end the following:

6 “(15) a Council that meets the requirements of
 7 section 682.”.

8 **SEC. 607. INDIVIDUALIZED FAMILY SERVICE PLAN.**

9 Section 677 (20 U.S.C. 1477) is amended—

10 (1) in subsection (a)(3), by striking “or guard-
 11 ian”;

12 (2) in subsection (d)(8)—

13 (A) by striking “supporting” and inserting
 14 “to support”; and

15 (B) by striking “services provided” and all
 16 that follows and inserting “preschool or other
 17 appropriate services.”; and

18 (3) in subsection (e), by striking “or guardian”
 19 each place it appears.

20 **SEC. 608. STATE APPLICATION AND ASSURANCES.**

21 (a) APPLICATION.—Section 678(a) (20 U.S.C.
 22 1478(a)) is amended—

23 (1) in paragraph (3), by striking the comma at
 24 the end and inserting the following: “, including—

1 “(A) information demonstrating to the sat-
2 isfaction of the Secretary that the State has in
3 effect a statewide system required by section
4 676, and

5 “(B) a description of services to be pro-
6 vided to infants and toddlers with disabilities
7 and their families under this part,”;

8 (2) by striking paragraph (4) and inserting the
9 following:

10 “(4) a statement regarding whether the State
11 will serve at risk infants and toddlers as infants and
12 toddlers with disabilities,”;

13 (3) in paragraph (6), by striking “, for the fifth
14 and succeeding fiscal years,”; and

15 (4) by striking paragraph (8) and inserting the
16 following:

17 “(8) a description of the policies and procedures
18 to be used—

19 “(A) to ensure a smooth transition for
20 children who are infants and toddlers with dis-
21 abilities receiving early intervention services
22 under this part to preschool or other appro-
23 priate services, including a description of—

1 “(i) how the family of such a child
2 will be included in the transition plans re-
3 quired by subparagraph (C), and

4 “(ii) how the lead agency designated
5 or established under section 676(b)(9)
6 will—

7 “(I) notify the local educational
8 agency for the area in which such a
9 child resides that the child will shortly
10 reach the age for eligibility for pre-
11 school services under part B, as deter-
12 mined in accordance with State law,

13 “(II) in the case of such a child
14 who may be eligible for such preschool
15 services, with the approval of the fam-
16 ily of the child, convene a conference
17 among the lead agency, the family,
18 and the local educational agency at
19 least 90 days (and at the discretion of
20 all such parties, up to 6 months) be-
21 fore the child is eligible for the pre-
22 school services, to discuss any such
23 services that the child may receive,
24 and

1 “(III) in the case of such a child
 2 who may not be eligible for such pre-
 3 school services, with the approval of
 4 the family, make reasonable efforts to
 5 convene a conference among the lead
 6 agency, the family, and providers of
 7 other appropriate services for children
 8 who are not eligible for preschool serv-
 9 ices under part B, to discuss the ap-
 10 propriate services that the child may
 11 receive,

12 “(B) to review the program options for the
 13 child for the period beginning on the third
 14 birthday of the child and ending on the last day
 15 of the school year in which such birthday oc-
 16 curs, and

17 “(C) to establish a transition plan for the
 18 child, and”.

19 (b) STATEMENT OF ASSURANCES.—Section
 20 678(b)(7) (20 U.S.C. 1478(b)(7)) is amended—

21 (1) by striking “beginning in fiscal year 1992,”;

22 and

23 (2) by striking “and rural” and inserting
 24 “rural, and inner city”.

1 **SEC. 609. USES OF FUNDS.**

2 Section 679 (20 U.S.C. 1479) is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “plan, develop, and”;

5 (2) at the end of paragraph (2), by striking
6 “and”;

7 (3) in paragraph (3), by striking the period and
8 inserting “, and”; and

9 (4) by adding at the end is the following:

10 “(4) in any State that does not provide services
11 for at risk infants and toddlers under section
12 676(a), to strengthen the statewide system by initi-
13 ating, expanding, or improving collaborative efforts
14 related to at risk infants and toddlers, including es-
15 tablishing linkages with appropriate public, and pri-
16 vate, community-based organizations, services, and
17 personnel, for the purposes of—

18 “(A) identifying and evaluating at risk in-
19 fants and toddlers,

20 “(B) making referrals of the infants and
21 toddlers identified and evaluated under sub-
22 paragraph (A), and

23 “(C) conducting periodic followup on each
24 such referral to determine if the status of the
25 infant or toddler involved has changed with re-

1 spect to the eligibility of the infant or toddler
 2 under this part.”.

3 **SEC. 610. PROCEDURAL SAFEGUARDS.**

4 Section 680 (20 U.S.C. 1480) is amended by striking
 5 the matter preceding “The procedural” and inserting the
 6 following:

7 **“SEC. 680. PROCEDURAL SAFEGUARDS.**

8 “(a) MINIMUM PROCEDURES.—”.

9 (b) PROCEDURES.—Section 680(a) (20 U.S.C.
 10 1480(a)) (as designated in subsection (a)) is amended—

11 (1) in the matter preceding paragraph (1), by
 12 striking “The” and all that follows through “follow-
 13 ing:” and inserting “To meet the requirement of sec-
 14 tion 672(b)(12), each State, in providing a statewide
 15 system under this part, shall, through State statute,
 16 regulation, or other written policy, provide at a mini-
 17 mum for the following:”;

18 (2) in the second sentence of paragraph (1), by
 19 striking “, which action may be brought”;

20 (3) in paragraph (2), by striking “or guard-
 21 ians”;

22 (4) in paragraph (3), by striking “or guardian”;

23 (5) in paragraph (4), by striking “or a guard-
 24 ian”;

1 (6) in paragraph (5), by striking “or guardian”
 2 each place it appears;

3 (7) in paragraph (6), by striking “or guardian”;

4 (8) in paragraph (7)—

5 (A) by striking “or guardian”; and

6 (B) by striking “or guardian’s”;

7 (9) in paragraph (8)—

8 (A) by striking “or guardian”; and

9 (B) by striking the following:

10 “(8) During” and inserting the following:

11 “(b) SERVICES DURING PENDENCY OF PROCEED-
 12 INGS.—The procedural safeguards required to be included
 13 in a statewide system under section 676(b)(12) shall also
 14 include a measure to ensure that during”; and

15 (10) by inserting after paragraph (7) the fol-
 16 lowing:

17 “(8) The right to use mediation in accordance
 18 with section 615(e), except that—

19 “(A) a reference in such section to the
 20 State educational agency shall be considered to
 21 refer to the lead agency of the State designated
 22 or established under section 676(b)(9), and

23 “(B) a reference in such section to a public
 24 agency shall be understood to refer to a local

1 services provider or the lead agency, as the case
2 may be.”.

3 **SEC. 611. STATE INTERAGENCY COORDINATING COUNCIL.**

4 (a) COMPOSITION.—Section 682(b)(1) (20 U.S.C.
5 1482(b)(1)) is amended—

6 (1) in subparagraph (E)—

7 (A) by striking “At least one member shall
8 be” and inserting “There shall be at least one
9 member”;

10 (B) by striking “families and” and insert-
11 ing the following: “families, and from any other
12 State agency involved in the provision of serv-
13 ices to at risk infants and toddlers, and each
14 such member”; and

15 (C) by striking “such agencies” and insert-
16 ing “the appropriate agency”; and

17 (2) by adding after subparagraph (G) the fol-
18 lowing:

19 “(H) At least one member shall be a represent-
20 ative from a Head Start agency or Head Start pro-
21 gram in the State.

22 “(I) At least one member shall be a representa-
23 tive from the State agency responsible for child
24 care.”.

1 (b) FUNCTIONS OF COUNCIL.—Section 682(e) (20
2 U.S.C. 1482(e)) is amended—

3 (1) in paragraph (1)(C), by striking “services
4 provided” and all that follows and inserting “pre-
5 school or other appropriate services, and”;

6 (2) in paragraph (2), by striking “children”
7 and all that follows and inserting “children from
8 birth through age 5.”; and

9 (3) by inserting after paragraph (2) the follow-
10 ing:

11 “(3) The Council may advise appropriate agencies in
12 the State with respect to the integration of services for
13 infants and toddlers with disabilities (including at risk in-
14 fants and toddlers) and their families, regardless of wheth-
15 er at risk infants and toddlers are eligible for early inter-
16 vention services in the State.”.

17 (c) EXISTING COUNCILS.—Section 682 (20 U.S.C.
18 1482) is amended by striking subsection (g).

19 **SEC. 612. CONFORMING AMENDMENT.**

20 Section 683(3) (20 U.S.C. 1483(3)) is amended by
21 striking “intermediate educational agencies” and inserting
22 “educational service agencies”.

23 **SEC. 613. ALLOCATION OF FUNDS.**

24 (a) RESERVATION.—Section 684(a) (20 U.S.C.
25 1484(a)) is amended—

1 (1) by striking “(a)” and inserting “(a)(1)”;

2 (2) by inserting after “reserve” the following:

3 “up to”; and

4 (3) by adding at the end the following:

5 “(2) The provisions of section 501 of Public Law 95–
6 134 (48 U.S.C. 1469a) (relating to permitting the consoli-
7 dation of grants to insular areas referred to in such sec-
8 tion) shall not apply to funds the areas receive under this
9 part.”.

10 (b) TRIBES.—Section 684(b) (20 U.S.C. 1484(b)) is
11 amended—

12 (1) in paragraph (2)—

13 (A) by striking “The Secretary” and all
14 that follows through “tribal organization shall
15 receive an amount based” and inserting “For
16 each fiscal year, the Secretary of the Interior
17 shall distribute the entire amount of a payment
18 received under paragraph (1) by providing to
19 each such tribe or tribal organization an
20 amount based”;

21 (B) by striking “the reservation” and in-
22 serting “the reservation involved”; and

23 (C) by striking “all tribes” and inserting
24 “all such tribes”; and

25 (2) in paragraph (4)—

1 (A) in the first sentence, by striking “chil-
2 dren aged 0-2, inclusive,” and inserting “chil-
3 dren from birth through age 2”; and

4 (B) in the third sentence, by striking
5 “public or private nonprofit organizations” and
6 inserting “public or private nonprofit agencies
7 or organizations”.

8 (c) FEDERAL INTERAGENCY COORDINATING COUN-
9 CIL AND PANEL OF EXPERTS.—Section 684 (20 U.S.C.
10 1484) is amended—

11 (1) by redesignating subsections (c) and (d) as
12 subsections (e) and (f), respectively; and

13 (2) by inserting after subsection (b) the follow-
14 ing:

15 “(c) The Secretary shall reserve up to .0005 of the
16 amount appropriated under section 687 for any fiscal year
17 for the operation of the Federal Interagency Coordinating
18 Council established under section 685, other than activi-
19 ties of the panel of experts carried out under section 686.

20 “(d) The Secretary may reserve up to \$100,000 for
21 the expenses of the panel of experts established under sec-
22 tion 686.”.

23 (d) REMAINDER.—Section 684 (20 U.S.C 1484) is
24 amended in subsection (e) (as redesignated in subsection
25 (c)(1))—

1 (1) in paragraph (1)—

2 (A) by striking “(3), (4), and (5)” and in-
3 serting “(2), (3), and (4)”; and

4 (B) by striking “(a) and (b)” and inserting
5 “(a) through (d) and section 618(e)”;

6 (2) by striking paragraph (2);

7 (3) by redesignating paragraphs (3) through
8 (6) as paragraphs (2) through (5), respectively;

9 (4) in paragraph (2) (as redesignated in para-
10 graph (3))—

11 (A) in the text preceding subparagraph
12 (A), by striking “paragraphs (4) and (5)” and
13 inserting “paragraphs (3) and (4)”; and

14 (B) in subparagraph (A), by striking “, ex-
15 cluding” and all that follows and inserting a
16 semicolon;

17 (5) in paragraph (3) (as redesignated in para-
18 graph (3)), in subparagraph (A), by striking “(5)”
19 and inserting “(4)”; and

20 (6) in paragraph (5) (as redesignated in para-
21 graph (3))—

22 (A) in the text preceding subparagraph
23 (A), by striking “paragraph (1)” and inserting
24 “this subsection”;

1 (B) in subparagraph (A), by striking “chil-
 2 dren from birth to age 2, inclusive,” and insert-
 3 ing “children from birth through age 2;”; and

4 (C) in subparagraph (B), by striking “does
 5 not include” and all that follows and inserting
 6 “means each of the several States, the District
 7 of Columbia, and the Commonwealth of Puerto
 8 Rico.”.

9 (e) REALLOTMENT.—Section 684(f) (20 U.S.C.
 10 1484(f)) is amended by striking “(c)(1)” and inserting
 11 “(e)(1)”.

12 **SEC. 614. FEDERAL INTERAGENCY COORDINATING COUN-**
 13 **CIL.**

14 (a) ESTABLISHMENT AND PURPOSE.—Section
 15 685(a)(1)(A) (20 U.S.C. 1484a(a)(1)(A)) is amended by
 16 striking “relating to early intervention” and all that fol-
 17 lows and inserting “across Federal, State, and local agen-
 18 cies, relating to—

19 “(i) early intervention services for in-
 20 fants and toddlers with disabilities (includ-
 21 ing at risk infants and toddlers) and their
 22 families; and

23 “(ii) preschool or other appropriate
 24 services for children with disabilities;”.

1 (b) COMPOSITION.—Section 685(b) (20 U.S.C.
2 1484a(b)) is amended—

3 (1) in paragraph (2), by inserting before the
4 semicolon the following: “and a representative of the
5 Office of Educational Research and Improvement;”;

6 (2) in paragraph (15), by inserting after “a
7 representative of” the following: “the Children’s Bu-
8 reau, and a representative of the Head Start Bu-
9 reau, of”;

10 (3) in paragraph (16), by striking “Alcohol,
11 Drug Abuse and Mental Health Administration” and
12 inserting “Substance Abuse and Mental Health
13 Services Administration”;

14 (4) in paragraph (17), by striking “Aids” and
15 inserting “AIDS”; and

16 (5) in paragraph (18)—

17 (A) by striking “at least 3”; and

18 (B) by inserting after “12 or under” the
19 following: “(which parents shall constitute at
20 least 20 percent of the members of the coun-
21 cil)”.

22 (c) FUNCTIONS OF THE COUNCIL.—Section
23 685(d)(1) (20 U.S.C. 1484a(d)(1)) is amended by striking
24 “Secretary in the performance” and all that follows and
25 inserting “Secretary of Education, Secretary of Health

1 and Human Services, Secretary of Defense, Secretary of
 2 the Interior, Secretary of Agriculture, and Commissioner
 3 of Social Security in the performance of their responsibil-
 4 ities related to serving children from birth through age
 5 5 who are eligible for services under this part or under
 6 part B;”.

7 (d) FEDERAL ADVISORY COMMISSION ACT INAP-
 8 PLICABLE.—Section 685 (20 U.S.C. 1484a) is amended
 9 by adding at the end the following:

10 “(f) FEDERAL ADVISORY COMMITTEE ACT.—The
 11 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 12 apply to the establishment or operation of the council.”.

13 **SEC. 615. STUDY OF DEFINITION OF DEVELOPMENTAL**
 14 **DELAY.**

15 Part H (20 U.S.C. 1471 et seq.) is amended—

16 (1) by striking section 686; and

17 (2) by adding at the end the following:

18 **“SEC. 686. STUDY OF DEFINITION OF DEVELOPMENTAL**
 19 **DELAY.**

20 “(a) PANEL OF EXPERTS.—

21 “(1) IN GENERAL.—Not later than 3 months
 22 after the date of enactment of the Individuals with
 23 Disabilities Education Act Amendments of 1996, the
 24 Federal Interagency Coordinating Council estab-
 25 lished under section 685 shall convene a panel of ex-

1 perts to develop recommendations to the Secretary
2 for a model definition of the term ‘developmental
3 delay’, to assist States in implementing section
4 676(b)(1).

5 “(2) MEMBERS.—The panel shall include recog-
6 nized experts in—

7 “(A) health and child development, whose
8 work includes—

9 “(i) the evaluation and assessment of
10 infants and toddlers with disabilities;

11 “(ii) the study of congenital or
12 perinatal disorders in children; or

13 “(iii) the measurement of developmen-
14 tal milestones in infants and toddlers;

15 “(B) the administration of disability pro-
16 grams for young children; and

17 “(C) other fields that the Secretary finds
18 to be appropriate.

19 “(3) OTHER MEMBERSHIP REQUIREMENTS.—
20 The panel shall—

21 “(A) have no more than 12 members; and

22 “(B) include at least 1 parent of a child
23 with a disability who is younger than age 6.

24 “(b) DUTIES.—In developing the recommendations
25 referred to in subsection (a)(1), the panel shall—

1 “(1) review the definition of infants and tod-
2 dlers with disabilities specified in section 672(1);

3 “(2) conduct an analysis of the criteria that are
4 used by States under this part to determine whether
5 an individual has a developmental delay or a diag-
6 nosed physical or mental condition, for purposes of
7 ascertaining whether the individual is an infant or
8 toddler with a disability; and

9 “(3) consider the appropriateness of defining
10 the term ‘developmental delay’ to include the com-
11 bination of a multiplicity of factors that, when taken
12 together, have a high probability of resulting in de-
13 velopmental delay (as specified in the remainder of
14 the definition) if early intervention services are not
15 provided.

16 “(c) PANEL RECOMMENDATIONS.—The panel shall
17 prepare and submit to the Secretary a report containing
18 the recommendations developed under subsection (a) not
19 later than 9 months after the date of enactment of the
20 Individuals with Disabilities Education Act Amendments
21 of 1996.

22 “(d) MODEL DEFINITION.—After receiving the rec-
23 ommendations, the Secretary shall—

24 “(1) publish the recommendations in the Fed-
25 eral Register;

1 “(2) give interested parties an opportunity to
 2 submit written comments on the recommendations;
 3 and

4 “(3) disseminate a model definition based on
 5 the recommendations, along with a summary of com-
 6 ments received.

7 “(e) FEDERAL ADVISORY COMMISSION ACT INAP-
 8 PLICABLE.—The Federal Advisory Committee Act (5
 9 U.S.C. App.) shall not apply to the establishment or oper-
 10 ation of the panel.”.

11 **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

12 Part H (20 U.S.C. 1471 et seq.) (as amended in sec-
 13 tion 615) is further amended by adding at the end the
 14 following:

15 **“SEC. 687. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated to carry out
 17 this part such sums as may be necessary for each of the
 18 fiscal years 1996 through 2002.”.

19 **SEC. 617. EFFECTIVE DATE.**

20 This title, and the amendments made by this title,
 21 shall take effect on October 1, 1997.

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